LAKE COUNTY
AIR QUALITY MANAGEMENT DISTRICT

885 Lakeport Boulevard, Lakeport, CA. 95453

RULES AND REGULATIONS

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CHAPTER I, GENERAL PROVISIONS
ARTICLE I PURPOSE

Section 100: These Rules and Regulations are enacted to achieve and maintain local, state and federal ambient air quality standards within Lake County.

Section 101: **Validity**
A. If any provisions of these regulations shall be rendered void or unconstitutional by judicial or other determination, all other parts of these regulations which are not expressly held to be void or unconstitutional shall continue in full force and effect.

B. The regulations are not intended to permit any practice which is in violation of any statute, ordinance, order or regulation of the United States, State of California, county or incorporated city; and no provisions contained in these regulations are intended to impair or abrogate any civil remedy or process, whether legal or equitable, which might otherwise be available to any person.

C. These regulations shall be construed for the protection of the health, safety and welfare of the people of the Lake County Air Basin.

D. The name of the Lake County Air Pollution Control District shall hereafter be the Lake County Air Quality Management District. Any reference to the Lake County Air Pollution Control District in this Code or any resolution of this Board shall be deemed to be a reference to the Lake County Air Quality Management District.

CHAPTER I
ARTICLE II DEFINITIONS

Section 200: Whenever any words or phrases as used in these Rules and Regulations are not defined herein but are defined in Division 26 of the Health and Safety Code as last amended, such definitions are incorporated herein and shall be deemed to apply as if set forth in these Rules and Regulations.

Section 201: Unless the context requires otherwise, the definitions set forth in the Chapter shall govern the construction of these Rules and Regulations.

Section 201.5: **ARB, and CARB**: The State of California Air Resources Board.

Section 201.6: **Aggregate**: A mixture of mineral fragments, sand, gravel, rocks, or similar materials.

Section 202: **Agricultural Operations**: The growing and harvesting of crops, including timber, or the raising of animals, as a gainful occupation.

Section 203: **Agricultural Burning**:

(1) "Agricultural burning" means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention.

(2) "Agricultural burning" also means open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified in paragraph (1).

(3) "Agricultural burning" also means open outdoor fires used in wildland vegetation management burning, prescribed burning, or forest improvement burning.

Section 204: **Air Contaminant or Air Pollution**: Any discharge, release, or other propagation into the atmosphere which includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, acids, or any combination thereof.

Section 204.5: **Air Quality:** means the characteristics of the ambient air as indicated by state ambient air quality standards which have been adopted by the state board pursuant to section 39606 of the Health and Safety Code and by National Ambient Air Quality Standards which have been established pursuant to Sections 108 and 109 of the federal Clean Air Act pertaining to criteria pollutants and section 169A of the federal Clean Air Act pertaining to visibility.

Section 205: **Air Pollution Abatement Operations**: Any operation which has as its essential purpose a significant reduction in (a) the emissions of air contaminants or pollution, or (b) the effect of such emissions or pollution.

Section 205.1: The **Air Pollution Control Director** shall have all the powers and duties of the Air Pollution Control Officer as specified in Chapter 7, Part III, Division 26 of the Health and Safety Code.

Section 205.2: **Alluvial Deposit**: Any deposit of sediments laid down by running water including but not limited to streams and rivers.

Section 206: **Alteration**: Any addition to or enlargement of, or any major modification or change in design, capacity, process or arrangement, which will significantly increase or affect the kind or amount of air contaminant emitted.

Section 207: **Ambient Air Quality Standards**: Specified concentrations and durations of air pollutants which reflect the relationship between the intensity and composition of air pollution to undesirable effects established by the State Board or, where applicable, by the Federal Government.

Section 207.1: **ARB Test Method 435**: The test method specified in Title 17, California Code of Regulations, Section 94147.

Section 207.2: **Asbestos**: Asbestiforms of the following hydrated minerals: chrysotile (fibrous serpentine), crocidolite (fibrous riebecktite), amosite (fibrous cummingtonite-grunerite), fibrous tremolite, fibrous actinolite, and fibrous anthophyllite.

Section 208: **Atmosphere**: The air that envelopes or surrounds the earth.

Section 208.1: **Best Available Control Technology (BACT)**: The maximum degree of emission control for any air contaminant emitting equipment taking into account technology which is known to be practical and feasible but not necessarily in use provided the Air Pollution Control Officer shall not interpret BACT to include a requirement that will result in the closing and elimination of or the inability to construct or operate a lawful business which could be operated with the application of the best control technology currently in use, or cause a situation where an exclusive manufacturer of BACT will obtain unreasonable compensation for such technology.

Section 208.3: **Burn Plan, or Smoke Management Plan** means an operational plan for managing a specific fire to achieve resource benefits and specific management objectives. The plan includes, at a minimum, the project objectives, contingency responses for when the fire is out of prescription with the smoke management plan, the fire prescription (including smoke management components), and a description of the personnel, organization, and equipment.

Section 208.6: **California Health and Safety Code, CH&SC, Health and Safety Code, Health and Safety and H&S:** All of the preceding terms are identical and mean the California Health and Safety Code. Air Resources regulations can be found in Titles 13 and 17 of the California Code of Regulation.

Section 208.8: **Burn Day or Permissive Burn Day** means a day on which burning is allowed and is not prohibited pursuant to these rules and regulations, the California Health and Safety code, or by other agencies having jurisdiction. Hours of burning are limited to 9 AM to 3 PM unless the day is designated an extended burn day. On extended burn days open burning is allowed during the period of the day from sunrise to sunset.

Section 209: **Carbon Monoxide**: A colorless gas, odorless under atmospheric conditions, having the molecular formula CO.

Section 209.5: Airborne Toxic Control Measures for Hexavalent Chromium: Chrome Plating and Chromic Acid Anodizing Facilities, and Cooling Towers - For the purpose of Section 460 and 461 the following definitions shall apply:

(1) "**Ampere Hours**" means the integral of electrical current applied to a plating tank (amperes) over a period of time (hours).

(2) "**Anti-mist Additive**" means a chemical which reduces the emission rate from the tank when added to and maintained in the plating tank.

(3) "**Chrome**" means metallic chrome.

(4) "**Chromic Acid**" means an aqueous solution of chromium trioxide (CrO_3) or a commercial solution containing chromic acid, dichromic acid (H_2CrO_7) or trichromic acid ($H_2Cr_3O_{10}$).

(5) "**Chromic Acid Anodizing**" means the electrolytic process by which a metal surface is converted to an oxide surface coating in a solution containing chromic acid.

(6) "**Chromium**" means hexavalent chromium.

(7) "**Control Equipment**" means any device which reduces emissions from the emissions collection system.

(8) "**Decorative Chrome Plating**" means the process by which chromium is electrodeposited from a solution containing compounds of chromium onto an object resulting in a chrome layer 1 micron (0.04 mil.) thick or less.

(9) "**Emission factor**" means the mass of chromium emitted during a test conducted in the emissions collection system in accordance with ARB Test Method 425, divided by the ampere-hours consumed by the tanks in the tested emissions collection system expressed as the mass of chromium emitted per ampere-hour of electrical current consumed.

(10) "**Emissions collection system**" means a device or apparatus used to gather chromium emissions from the surface of a chrome plating or chromic acid anodizing tank or tanks.

(11) "**Facility**" means a business or businesses engaged in chrome plating or chromic acid anodizing which are owned or operated by the same person or persons and are located on the same parcel or on contiguous parcels.

(12) "**Facilitywide emissions** from hard chrome plating or chromic acid anodizing" means the total emissions from all hard chrome plating or chromic acid anodizing at the facility over a calendar year. Emissions shall be calculated as the sum of emissions from the emissions collection system at the facility. The emissions from an emissions collection system shall be calculated by multiplying the emissions

factor for that emissions collections system by the sum of ampere-hours consumed during that year for all of the tanks served by the emissions collection system.

(13) "**Hard Chrome Plating**" means the process by which chromium is electrodeposited from a solution containing compounds of chromium onto an object resulting in a chrome layer thicker than 1 micron (0.04 mil.).

(14) "**Plating Tank**" means any container used to hold a chromium or chromic acid solution for the purpose of chrome plating or chromic acid anodizing.

(15) "**Uncontrolled chromium emissions** from a hard chrome plating or chromic acid anodizing facility" means the chromium emissions from the emissions collection systems at the facility calculated as if no control equipment is in use. For the purpose of determining compliance with this rule the uncontrolled chromium emissions shall be calculated using an emissions factor based on tests conducted in accordance with ARB Test Method 425 or 14 mg/ampere-hour, whichever is less.

(16) **"Cooling Tower"** means a device which evaporates circulated water to remove heat from a commercial process, building, or a refrigerator, and transfers the heat to the ambient air.

(17) "**May**" means that a provision is permissive.

(18) "**Must**" means that a provision is mandatory.

Section 210: **Collection Efficiency**: The overall performance of an air cleaning device in terms of the ratio of material collected to the total input to the collector unless specific size fractions of the contaminant are stated or required.

Section 211: **Combustible or Flammable Solid Waste**: Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcasses of dead animals, or any other combustible or flammable refuse matter which is in solid form.

Section 212: **Combustible Refuse**: Any solid or liquid combustible waste material containing carbon in a free or combined state.

Section 213: **Combustion Contaminants**: Matter discharged into the atmosphere from the burning of any kind of material, excluding carbon dioxide and water.

Section 214: **Condensed Fumes**: Particulate matter generated by the condensation of vapors evolved after volatilization from the molten or liquid state, generated by sublimation, distillation, calcination or chemical reaction, when these processes create airborne particles.

Section 215: **Continuous Flow Conveying Methods** of materials at uniform rates of flow or at the rates generated by the production process.

Section 215.5: **Control equipment**" means any device which reduces emissions from a facility or source.

Section 216: **Control Strategy**: A combination of measures designed to reduce air contaminant emission or to prevent or interfere with same.

Section 216.1: **Determination of Compliance**: A document which is issued during the California Energy Resources Conservation and Development Commission's thermal power plant certification process in place of an Authority to Construct. For the purpose of these Rules and Regulations, a Determination of Compliance shall be considered equivalent to and subject to the same rules and regulations as an Authority to Construct. Wherever a rule states "Authority to Construct", it shall be interpreted as "Authority to Construct or Determination of Compliance".

Section 217: **District**: The Lake County Air Quality Management District.

Section 218: **District Board**: The Board of Supervisors of the County of Lake sitting as the Board of Directors of the Lake County Air Quality Management District.

Section 218.5: **Air Toxic Control Measure for Perchloroethylene - Dry Cleaning Operations**

For the purpose of Section 468, the following definitions shall apply:

(1) "Adsorptive cartridge filter" means a replaceable cartridge filter that contains diatomaceous earth or activated clay as the filter medium.

(2) "Cartridge filter" means a replaceable cartridge filter that contains one of the following as the filter medium: paper, activated carbon, or paper and activated carbon. A cartridge filter contains no diatomaceous earth or activated clay. Cartridge filters include, but are not limited to: standard filters, split filters, "jumbo" filters, and all carbon polishing filters.

(3) "Closed-loop machine" means dry cleaning equipment in which washing, extraction, and drying are all performed in the same single unit (also known as dry-to-dry) and which recirculates perchloroethylene-laden vapor through a primary control system with no exhaust to the atmosphere during the drying cycle. A closed-loop machine may allow for venting to the ambient air through a fugitive control system after the drying cycle is complete and only while the machine door is open.

(4) "Converted machine" means an existing vented machine that has been modified to be a closed-loop machine by eliminating the aeration step, installing a primary control system, and providing for recirculation of the perchloroethylene-laden vapor with no exhaust to the atmosphere or workroom during the drying cycle. A converted machine may allow for venting to the ambient air through a fugitive control system after the drying cycle is complete and only while the machine door is open.

(5) "Cool-down" means the portion of the drying cycle that begins when the heating mechanism deactivates and the refrigerated condenser continues to reduce the temperature of the air recirculating through the drum to reduce the concentration of perchloroethylene in the drum.

(6) "Date of compliance" means the time from the effective date of this control measure in the district until a facility must be in compliance with the specific requirements of this control measure.

(7) "Desorption" means regeneration of an activated carbon bed, or any other type of vapor adsorber by removal of the adsorbed solvent using hot air, steam, or other means.

(8) "Dip tank operations" means the immersion of materials in a solution that contains perchloroethylene, for purposes other than dry cleaning, in a tank or container that is separate from the dry cleaning equipment.

(9) "District" means the Lake County Air Quality Management District.

(10) "Drum" means the rotating cylinder or wheel of the dry cleaning machine that holds the materials being cleaned.

(11) "Dry cleaning equipment" means any machine, device, or apparatus used to dry clean materials with perchloroethylene or to remove residual perchloroethylene from previously cleaned materials. Dry cleaning equipment may include, but is not limited to, a transfer machine, a vented machine, a converted machine, a closed-loop machine, a reclaimer, or a drying cabinet.

(12) "Dry cleaning system" means all of the following equipment, devices, or apparatus associated with the perchloroethylene dry cleaning process: dry cleaning equipment; filter or purification systems; waste holding, treatment, or disposal systems; perchloroethylene supply systems; dip tanks; pumps; gaskets; piping, ducting, fittings, valves, or flanges that convey perchloroethylene-contaminated air; and control systems.

(13) "Drying cycle" means the process used to actively remove the perchloroethylene remaining in the materials after washing and extraction. For closed-loop machines, the heated portion of the cycle is followed by cool-down and

may be extended beyond cool-down by the activation of a control system. The drying cycle begins when heating coils are activated and ends when the machine ceases rotation of the drum.

(14) "Environmental training program" means an initial course or a refresher course of the environmental training program for perchloroethylene dry cleaning operations that has been authorized by the Air Resources Board according to the requirements of 17 CCR, Section 93110, or approved by the APCO.

(15) "Existing facility" means any facility that operated dry cleaning equipment prior to the effective date of this control measure in the district. Facility relocations, within the same district, shall be considered existing facilities for the purposes of this control measure.

(16) "Facility" means any entity or entities which: own or operate perchloroethylene dry cleaning equipment, are owned or operated by the same person or persons, and are located on the same parcel or contiguous parcels.

(17)"Fugitive control system" means a device or apparatus that collects fugitive perchloroethylene vapors from the machine door, button and lint traps, still, or other intentional openings of the dry cleaning system and routes those vapors to a device that reduces the mass of perchloroethylene prior to exhaust of the vapor to the atmosphere.

(18)"Gallons of perchloroethylene used" means the volume of perchloroethylene, in gallons, introduced into the dry cleaning equipment, and not recovered at the facility for reuse on-site in the dry cleaning equipment, over a specified time period.

(19)"Halogenated-hydrocarbon detector" means a portable device capable of detecting vapor concentrations of perchloroethylene of 25 ppmv or less and indicating an increasing concentration by emitting an audible signal or visual indicator that varies as the concentration changes.

(20)"Leak" means either a leak of liquid of more than 1 drop every 3 minutes, or an emission of vapor from unintended openings in the dry cleaning system, as indicated by the detection of gas flow by soap bubble solution.

(21)"Materials" means wearing apparel, draperies, linens, fabrics, textiles, rugs, leather, and other goods that are dry cleaned.

(22)"New facility" means a facility that did not operate any dry cleaning equipment prior to the effective date of this control measure in the district. Facility relocations, within the same district, shall not be considered new facilities for the purposes of this control measure.

(23)"Perchloroethylene (Perc)" means the substance with the chemical formula 'C2Cl4', also known by the name 'tetrachloroethylene', which has been identified by the Air Resources Board and listed as a toxic air contaminant in 17 CCR, Section 93000.

(24)"Perchloroethylene dry cleaning" or "dry cleaning" means the process used to remove soil, greases, paints, and other unwanted substances from materials with perchloroethylene.

(25)"Pounds of materials cleaned" means the total dry weight, in pounds, of the materials dry cleaned at the facility, as determined by weighing each load on a scale prior to dry cleaning and recording the value.

(26)"Primary control system" means a refrigerated condenser, or an equivalent closed-loop vapor recovery system approved by the district.

(27)"Reclaimer" means a machine, device, or apparatus used only to remove residual perchloroethylene from materials that have been previously cleaned in a separate piece of dry cleaning equipment.

(28)"Reasonably available", as it applies to an initial course for an environmental training program, means that the course is offered within 100 miles of the district boundaries and that all such courses have a capacity, in the aggregate, that is adequate to accommodate at least one person from each facility in the district required to certify a trained operator at that time.

(29)"Refrigerated condenser" means a closed-loop vapor recovery system into which perchloroethylene vapors are introduced and trapped by cooling below the dew point of the perchloroethylene.

(30)"Secondary control system" means a device or apparatus that reduces the concentration of perchloroethylene in the recirculating air at the end of the drying cycle beyond the level achievable with a refrigerated condenser alone. An "integral" secondary control system is designed and offered as an integral part of a production package with a single make and model of dry cleaning machine and primary control system.

(31)"Self-service dry cleaning machine" means a perchloroethylene dry cleaning machine that is loaded, activated, or unloaded by the customer.

(32) "Separator" means any device used to recover perchloroethylene from a water-perchloroethylene mixture.

(33)"Still" means a device used to volatilize and recover perchloroethylene from contaminated solvent removed from the cleaned materials.

(34)"Trained operator" means the owner, the operator, or an employee of the facility, who holds a record of completion for the initial course of an environmental training program and maintains her/his status by successfully completing the refresher courses as required.

(35)"Transfer machine" means a combination of perchloroethylene dry cleaning equipment in which washing and extraction are performed in one unit and drying is performed in a separate unit.

(36)"Vapor adsorber" means a bed of activated carbon or other adsorbent into which perchloroethylene vapors are introduced and trapped for subsequent desorption.

(37)"Vented machine" means dry cleaning equipment in which washing, extraction, and drying are all performed in the same single unit and in which fresh air is introduced into the drum in the last step of the drying cycle and exhausted to the atmosphere, either directly or through a control device.

(38)"Waste water evaporator" means a device that vaporizes perchloroethylene-contaminated waste water through the addition of thermal or chemical energy, or through physical action.

(39)"Water-repelling operations" means the treatment of materials with a water-repellent solution that contains perchloroethylene.

Section 219: **Dust**: Minute solid particles released into the air by natural forces by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

Section 220: **Emission**: The act of passing into the atmosphere an air contaminant or gas stream which contains an air contaminant.

Section 221: **Emission Data**: Measured or calculated concentrations, mass or volumes of air contaminants emitted into the atmosphere. Data used to calculate emission data are not emission data.

Section 222: **Emission Point**: The point located in the horizontal plane and vertical elevation at which an emission enters the atmosphere.

Section 223: **Equipment**: Any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or which may be designed for or used to control air contaminants.

Section 224: **Equivalent Method**: Any procedure for measuring the concentration of a contaminant other than that specified in the air quality standard for the contaminant which can be shown to the satisfaction of the Air Resources

Board or the Air Pollution Control Officer to give equivalent results at or near the level of the air quality standards.

Section 225: **Excess Air**: An amount of air that exceeds the theoretical quantity of air required for complete combustion.

Section 226: **Existing Source of Equipment**: Any air contamination source or equipment in use or existent at the use site at the time of adoption of these regulations.

Section 226.1: **Facility**: Every building, structure, appurtenance, installation, or improvement located on land which is under the same or common ownership or operation, and is on one or more contiguous or adjacent properties.

Section 226.4: **Fire Protection Agency or Fire Agency** means any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within a district or region.

Section 226.5: **Fire Season Burn Ban** means that period of each year from May 1 to the end of fire season, as proclaimed by the Director of the California Department of Forestry and Fire Protection or, in the event that fire and meteorological conditions in the Air Basin differ from those prevailing elsewhere within the California Department of Forestry, Region 1, as proclaimed by the Lake County Board of Supervisors (see applicable Lake County Ordinances for proclamation procedure).

Section 227: **Flue**: Any duct or passage for air, gases or the like, such as a stack or chimney.

Section 227.1: **Gross Megawatt Hour**: The amount of electrical energy which could be realized per hour from the expected potential energy of the steam prior to any internal plant electrical requirements, as guaranteed by the turbine generator manufacturer.

Section 227.2: **Geothermal Production Well**: Any well for which the original purpose is use of a geothermal resource.

Section 227.3: **Geothermal Project**: Any project involving the use or construction of geothermal exploratory wells, geothermal production wells, steam transmission pipelines, power generating facilities or any other equipment intended for use with a geothermal resource.

Section 227.4: **Geothermal Exploratory Well**: Any well for which the original purpose is the discovery or evaluation of a geothermal resource.

Section 227.5: **Geothermal Steam Stacking Emissions**: Any air pollution emissions into the ambient air caused by the release of geothermal steam at the location at which stacking occurs and initiated as the result of a geothermal power plant or geothermal steam transmission line failure (forced outage), scheduled outage, startup or curtailment.

Section 228: **Hazardous Air Pollutants (HAP)**: Those pollutants that are listed in the Federal Clean Air Act's Section 112(b) List of Hazardous Air Pollutants.

Section 229: **Hot Mix Asphalt Plant**: A plant conveying proportion quantities or batch loading of cold aggregate to a dryer, and heating, drying, screening, classifying, measuring and mixing the aggregate and asphalt for the purpose of paving, construction, industrial, residential or commercial use.

Section 230: **Household Rubbish**: Papers, cartons, wrapping, not to include rubber products, plastic, roofing materials, petroleum oils, garbage or other materials which create offensive odors.

Section 230.1: **Household Backyard Wastes**: Prunings, grass, leaves, not to include rubber products, plastic, roofing materials, petroleum oils, garbage or other materials which create offensive odors.

Section 231: **Hydrogen Sulfide**: A colorless, noxious gas having the molecular formula H_2S.

Section 232: **Incineration**: An operation in which the combustion is carried on for the principal purpose or with the principal result of oxidizing a waste material to reduce its bulk or facilitate its disposal.

Section 232.1: **Incinerator** means any device constructed of nonflammable materials, including containers commonly known as burn barrels, for the purpose of burning therein trash, debris, and other flammable materials for volume reduction or destruction.

Section 233: **Industrial Area**: Any area for the manufacturing, processing, fabricating, refining, repairing, packaging or treatment of goods, materials, liquids and flammable or explosive matter.

Section 234: **Installation**: The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, including all preparatory work at such premises.

Section 235: **Measurable Contribution** The contribution (calculated, based upon modeling or measurement) of nitrogen oxides, organic gases or any pollutant to the ambient air in the basin or sub-basin, for which there is a local, state, or federal

standard which can be resolved by the best reasonably available analytical methodology. Measurements shall be made no closer than the property line.

Section 235.1: **Medical facilities** and dental offices, clinics and hospitals, skilled nursing facilities, research facilities, research laboratories, clinical laboratories, all unlicensed and licensed medical facilities, clinics and hospitals, surgery centers, diagnostic laboratories, and other providers of health care.

Section 236: **Micrograms per Cubic Meter (ug/m3)**: A unit of concentration which is numerically equal to the mass of a contaminant (in micrograms) present in one cubic meter sample of air measured at standard conditions.

Section 237: **Modification**: Any physical change in, or change in method of operation of a stationary source which increases the amount of any air pollutant emitted by such source to which an ambient air standard applies, except that:

A. Routine maintenance, repair or replacement shall not be considered physical changes; and

B. The following shall not be considered a change in the method of operation provided no permit condition in effect as of the effective date of the Rules is worded otherwise:

1. An increase in the production rate if such increase does not exceed the operating design capacity of the affected facility;
2. An increase in hours of operation;
3. Use of an alternate fuel or raw material, if the source is designed to accommodate such alternate use; or
4. Use of an alternate fuel when mandated by any government policy or regulation.

Section 237.5: **Maximum Achievable Control Technology (MACT)**: An emission limitation which is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and which reflects the maximum degree of reduction in emissions that the District, taking into consideration the cost of achieving such emissions reduction, and any non-air quality health and environmental impacts and energy requirements, determines if achievable by the constructed or reconstructed major source (40 CFR 63.41 "Definitions").

Section 238: **Most Relevant Effects**: Effects which ambient air quality standards are intended to prevent or abate.

Section 238.5: **Natural vegetation** means all plants, including but not limited to grasses, forbs, trees, shrubs, flowers, or vines that grow in the wild or under cultivation. Natural vegetation excludes vegetative materials that have been processed, treated or preserved with chemicals for subsequent human or animal use,

including but not limited to chemically-treated lumber, wood products or paper products.

Section 239: **New Sources or Equipment**: Any air pollution source or any equipment constructed or installed after the effective date of these regulations. Any air pollution source, equipment replaced or altered, or processes changed as to have any substantial effect on the production or control of air contaminants. Any air pollution source or equipment moved to another premise involving a change of address. Any equipment purchased and to be operated after effective date of these regulations by a new owner or when a new lessee desires to operate such equipment. Any equipment that is or has been shut down, put out of service or otherwise made inoperative for 180 days and which is to be put back into service.

Section 240: **Nitrogen Dioxide**: A red-brown gas, odorless under atmospheric conditions and having the molecular formula NO_2.

Section 240.5: Air Toxics Control Measure for Emissions of Toxic Metals from **Non-Ferrous Metal Melting**

For the purpose of Section 469, the following definitions shall apply:

(1) "Aluminum and aluminum-based alloys" means any metal that is at least 80% aluminum by weight.

(2) "ARB Test Method 5" means the test method specified in Title 17, California Code of Regulations, section 94105.

(3) "Clean Aluminum Scrap" means scrap that is composed solely of aluminum or aluminum alloys (including anodized aluminum) and that is free of paints, coatings, rubber, or plastics.

(4) "Copper or copper-based alloy" means any metal that is more than 50 percent copper by weight, including but not limited to brass and bronze.

(5) "District" means the Lake County Air Quality Management District.

(6) "Dust forming material" means any material containing more than 15 percent by weight of particulate matter less than 0.84 millimeter (mm) equivalent diameter as determined by ASTM C136-84a "Standard Method for Sieve Analysis of Fine and Coarse Aggregates" using a number 20 US. Bureau of Standards sieve with 0.84-mm square openings, or an alternate method deemed acceptable by the district Air Pollution Control Officer or ARB Executive Officer.

(7) "Emission collection system" means equipment which is installed for the purpose of directing, taking in, confining, and conveying an air contaminant and which conforms to specifications for design and operation given in Industrial

Ventilation, Manual of Recommended Practices, 20th edition, 1988, published by the American Conference of Government and Industrial Hygienists, which is incorporated by reference herein.

(8) "Emission point" means any location where molten metal is or can be exposed to air, including but not limited to, furnaces, crucibles, refining kettles, ladles, tap holes, pouring spouts, and slag channels. A mold or die in which metal is cooling is not considered an emission point.

(9) "Enclosed storage area" means any space used to contain materials that has a wall or partition on at least three sides or three-quarters of its circumference and that screens the material stored therein to prevent emissions of the material to the air.

(10) "Facility" means any real or personal property being used for metal melting activities, which is located on one or more contiguous or adjacent parcels of property in actual contact or separated only by a public roadway or other public right-of-way, and owned or operated by the same person or persons, corporation, government agency, public district, public officer, association, joint venture, partnership, or any combination of such entities.

(11) "Fugitive emission control" means any equipment, activity, or process carried out to reduce emissions resulting either from the storage or handling of dust forming materials or material collected by a particulate matter control system, or the removal of particulate matter from metal melting or pouring that has settled on the ground or other surfaces, or that has escaped from a properly designed and operated emission collection system.

(12) "Good Operating Practices" means specific activities necessary to maintain the original collection and control efficiencies of the air pollution control equipment as designed. These activities include but are not limited to verifying operating specifications such as cleaning cycles, air flow, and velocity; and inspecting equipment such as duct work, blowers, and components of the control equipment through a general maintenance and inspection program.

(13) "Hard Lead" means any alloy containing at least 90 percent lead and more than 0.001 percent arsenic by weight or 0.001 percent cadmium by weight.

(14) "Molten metal" means metal or metal alloy in a liquid state, in which a cohesive mass of metal will flow under atmospheric pressure and take the shape of a container in which it is placed.

(15) "Metal melting furnace" means any apparatus in which metal in a container is brought to a liquid state, including but not limited to reverberatory, cupola, induction, direct arc furnaces, sweat furnaces, and refining kettles. "Metal melting

furnace" does not include any apparatus in which the metal is heated but does not reach a molten state such as a sintering furnace or an annealing furnace.

(16) "New sand" means any sand not exposed to the casting process.

(17) "Non-ferrous metal" means lead, copper, zinc, cadmium, arsenic, aluminum, and their alloys.

(18) "Particulate matter" or "PM" means any solid material, except uncombined water, which exists in a finely divided form at standard conditions of temperature and pressure (293 K and 760 mm mercury).

(19) "Particulate matter control system" means any device or series of devices designed and operated in a manner intended to remove fine particulate matter (< 10 um) from an air or gas stream.

(20) "Person" shall have the same meaning as defined in Health and Safety Code section 39047.

(21) "Process emission control" means any equipment installed and operated to control emissions of toxic metals from any emission point as defined in subsection (a)(8).

(22) "Pure Lead" means any alloy that is at least 90 percent lead and contains no more than 0.001 percent cadmium by weight and 0.001 percent arsenic by weight.

(23) "Ringelmann Chart" means the Ringelmann Chart published in the United States Review of Mine Information Circular No. 1C8333, (May 1967), as specified in Health and Safety Code section 41701(b).

(24) "Scrap" means any metal or metal-containing material that has been discarded or removed from the use for which it was produced or manufactured and which is intended for reprocessing. "Scrap" does not include sprues, gates, risers, foundry returns, and similar material intended for remelting that has been generated at the facility as a consequence of casting or forming processes but has not been coated or surfaced with any material containing cadmium, arsenic, or nickel.

(25) "Solder" means any metal in which the sum of the lead and the tin is greater than 50 percent by weight and which is used for the purpose of joining two metals or of joining a metal to any other material.

(26) "Type Metal" means any lead-based alloy used for linotype machines.

Section 240.8: **No Burn Day** means any day so designated pursuant to District rule, or by the state Air Resources Board, or any fire agency(s) or emergency declaration by an official having lawful jurisdiction in which burning is prohibited.

Section 241: **Open Outdoor Fire**: Any combustion of combustible material of any type outdoors in the open, not in any enclosure where the products of combustion are not directed through a flue.

Section 242: **Operation**: Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.

Section 243: **Operator**: Any person constructing, drilling, maintaining or operating facilities or equipment emitting air contaminants. "Operator" includes "owner" when any source of air pollutant is, has been, or is about to be, operated by or under the direction of the owner.

Section 244: **Owner**: Any person having a legal or equitable interest in property or equipment subject to these rules, or his legal representative.

Section 245: **Oxidant**: A substance that oxidizes a selected reagent that is not oxidizable by oxygen under ambient conditions. It includes ozone, organic peroxides and peroxyacetyl nitrates but not nitrogen dioxides for purposes of these Regulations.

Section 246: **Particulate Matter** means any airborne finely divided material, except uncombined water, which exists as a solid or liquid at standard conditions (e.g., dust, smoke, mist, fumes or smog).“PM2.5” means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers. “PM10” means particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (including PM2.5).

Section 247: **Parts per Million (PPM)**: (v/v) a volumetric unit of gas concentration which is numerically equal to the volume of gaseous contaminant present in one million volumes of air or steam.

Section 247.1: **Permissive Burn Day**: A day during which the Air Resources Board declares that certain specified outdoor burning is allowed for each air basin.

Section 248: **Person**: Any person, firm, association, organization, partnership, business trust, corporation or company. Any State or local governmental agency or public district, or any officer or employee thereof. The United States or its agencies, to the extent authorized by local law.

Section 248.3: **Pre-fire Fuel Treatment** means techniques that can reasonably be employed prior to prescribed burning in order to reduce the emissions that would otherwise be produced in a prescribed fire.

Section 248.5: **Prescribed Burning** means the planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of burning are specified in the definition of agricultural burning as set forth in Title 17, California Code of Regulation.

Section 249: **Prevailing Visibility**: The greatest visibility which is attained or surpassed around at least half of the horizon circle but not necessarily in continuous sectors, as determined by the procedure given in "Manuals of Surface Observation", United States Weather Bureau.

Section 249.3: **Processed or treated wood and wood products** means wood that has been chemically treated to retard rot or decay or wood that has been modified with glues, laminates, stains, finishes, paints or glosses for use in furniture or for construction purposes, including but not limited to plywood, particle board, fencing or railroad ties. Dimensional lumber that has been air-dried or kiln-dried, with no preservatives or finishes added, is not considered processed or treated wood.

Section 249.5: **Range Improvement Burning** means the use of open fires to remove vegetation for a wildlife, game, or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

Section 250: **Refuse**: Anything thrown away or rejected or worthless or useless; waste, rubbish; including but not restricted to domestic garbage, lawn and shrubbery trimmings; commercial wastes such as garbage, cardboard, paper; industrial wastes.

Section 250.5: **Residential waste burning** means the disposal of the combustible or flammable waste from a single- or two-family dwelling unit or residence by burning. Residential waste burning is not agricultural, or prescribed, burning.

Section 251: **Residential-Commercial Area**: Any area used for single or multiple family dwelling purposes, including all accessory uses and facilities; any retail sales facility, professional offices, facilities for institutional and recreational uses and facilities and highway service activities not to include industrial areas as defined in Section 233.

Section 251.1: **Roadways** Surfaces on which motor vehicles operate and any shoulder which extends from the edge of the traveled way. This includes, but is not limited to, highways, roads, streets, parking areas, driveways, and haul roads.

Section 251.3: **Sand and gravel operation**: Any aggregate-producing facility operating in alluvial deposits.

Section 251.7: **Smoke Sensitive Areas** are populated areas and other areas where a district determines that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, cities, towns, villages,

campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.

Section 252: **Standard Conditions**: As used in these Regulations refers to a gas temperature of zero (0) degrees C and a gas pressure of seven hundred and sixty (760) Torr.

Section 253: **Standard Cubic Foot of Gas**: The amount of gas that would occupy a volume of one (1) cubic foot if free of combined water at standard conditions. When applied to gaseous combustion products, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of twelve percent (12%) carbon dioxide or fifty percent (50%) excess air.

Section 254: **Stationary Source**: A unit or aggregation of units of air contaminant emitting articles, machines, equipment or other contrivances, all of which are determined by the Air Pollution Control Officer to be related to one another through a similar product, raw material or function.

Section 254.1: **Steam Transmission Lines**: The pipelines through which the steam is transmitted from well(s) to a muffler or power plant.

Section 255: **Sulfur Dioxide**: A colorless, irritating gas under atmospheric conditions and having a molecular formula SO2.

Section 255.1: **Surfacing**: The act of exposing or covering any surface used for purposes of pedestrian, vehicular, or non vehicular travel including, but not limited to, roads, road shoulders, streets, alleys, lanes, driveways, parking lots, playgrounds, trails, squares, plazas, and fairgrounds.

Section 256: **Tepee or Wigwam Burner**: A burner of wood wastes, consisting of a single burning chamber having the general features of a truncated cone and generally used in conjunction with sawmills, lumber mills and similar activities.

Section 257: **Total Reduced Sulfides (TRS)**: Reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, diethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide or sulfuric acid mist are not included in the determination of TRS.

Section 258: **Tons**: Mass units equal to two thousand (2,000) pounds (avoirdupois standard) or 907.18 kilograms (metric).

Section 259: **Underfire Air**: Air introduced into a teepee or wigwam burner or other type of incineration device beneath the fuel pile or into the primary combustion chamber.

Section 259.1: **Visible Emissions**: Any emission or releases from any point or area source containing particulate material that are visually detectable without the aid of instruments. This includes, but is not limited to, asbestos debris found outside of containment at a job site.

Section 260: **Visibility Reducing Particles**: Atmospheric particles resulting in the scattering of light in the vision spectrum.

Section 269: **Wearing Surface**: Any external aggregate layer subject to mechanical attrition or deterioration due to impacts from, but not limited to, pedestrian and vehicular use.

Section 270: **Wildland Vegetation Management Burning**: means the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush (Title 17, California Code of Regulation).

CHAPTER I
ARTICLE III HEARING BOARD

Section 300: The District Board shall appoint a Hearing Board or Boards consisting of five (5) members as specified in Article I, Chapter 8, Part 3, Division 26 of the Health and Safety Code (commencing with Section 40800).

Section 301: Compensation of the Hearing Board members shall be seventy five dollars ($75.00) per meeting (or per day on continued meetings) and a mileage charge equal to that currently paid by the County of Lake.

CHAPTER II, PROHIBITIONS AND STANDARDS
ARTICLE I VISIBLE EMISSIONS

Section 400: No person shall discharge into the atmosphere from any source of emissions whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

A. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

B. Of such opacity as to obscure an observer's view to a degree equal to or greater than smoke described in paragraph A of this Section.

Section 401: This Article shall not apply to any aircraft being used to distribute seed, fertilizer, insecticides or other agriculture aids over lands devoted to the growing of crops or raising of animals (Health and Safety Code Section 41704(d)).

Section 402: **Exclusions** The provisions of this Article, "Visible Emissions", do not apply to emissions:

A. From fires set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
   1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or
   2. For the instruction of public employees in the methods of fighting fire;

B. From fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire (Health and Safety Code Section 41704);

C. Of agricultural operation necessary for the growing of crops or raising of animals (Health and Safety Code Section 41704);

D. From fires set for improvement of watershed, range, or pasture (Health and Safety Code Section 41704);

E. Of orchard or citrus grove heaters which do not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute (Health and Safety Code Section 41704);

F. From the use of other equipment in agricultural operations necessary for the growing of crops or raising animals (Health and Safety Code Section 41704);

G. From fires set pursuant to an open burning permit issued by the Air Pollution Control Officer (Health and Safety Code Section 41704).

CHAPTER II
ARTICLE II PARTICULATE MATTER EMISSIONS

Section 410: Combustion Contaminants discharged into the atmosphere from any source shall not exceed:

A. Two-tenths (0.2) grain per standard cubic foot of gas calculated to twelve percent (12%) carbon dioxide for equipment in use prior to December 20, 1971, or

B. One-tenth (0.1) grain per standard cubic foot of gas calculated to twelve percent (12%) carbon dioxide for equipment beginning operation after December 20, 1971.

Section 411: **Other Sources** Particulate matter discharged into the atmosphere from other than combustion sources shall not exceed:

A. Two-tenths (0.2) grain per standard cubic foot of gas, or

B. The total process emission from a single premise source for any dust, condensed fume or other particulate matter, as given in Table 1. The more stringent of A or B shall apply.

TABLE 1

PARTICULATE MATTER EMISSIONS STANDARDS FOR PROCESS UNITS AND PROCESS EQUIPMENT

Process lbs/hr	Emission lbs/hr	Process lbs/hr	Emission lbs/hr	Process lbs/hr	Emission lbs/hr
50	0.24	1,900	4.03	4,700	6.45
100	0.46	2,000	4.14	4,800	6.52
150	0.66	2,100	4.24	4,900	6.60
200	0.85	2,200	4.34	5,000	6.67
250	1.03	2,300	4.44	5,500	7.03
300	1.20	2,400	4.55	6,000	7.37
350	1.35	2,500	4.64	6,500	7.71
400	1.50	2,600	4.74	7,000	8.05
450	1.63	2,700	4.84	7,500	8.39
500	1.77	2,800	4.92	8,000	8.71
550	1.89	2,900	5.02	8,500	9.03
600	2.01	3,000	5.10	9,000	9.36
650	2.12	3,100	5.18	9,500	9.67
700	2.24	3,200	5.27	10,000	10.00
750	2.34	3,300	5.36	11,000	10.63
800	2.43	3,400	5.44	12,000	11.28
850	2.53	3,500	5.52	13,000	11.89
900	2.62	3,600	5.61	14,000	12.50
950	2.72	3,700	5.69	15,000	13.13
1000	2.80	3,800	5.77	16,000	13.74
1100	2.97	3,900	5.85	17,000	14.36
1200	3.12	4,000	5.93	18,000	17.97
1300	3.26	4,100	6.01	19,000	15.58
1400	3.40	4,200	6.08	20,000	16.19
1500	3.54	4,300	6.15	30,000	22.20
1600	3.66	4,400	6.22	40,000	28.30
1700	3.79	4,500	6.30	50,000	34.30
1800	3.91	4,600	6.37	60,000 or more	40.00

Section 412: **Sulfur Recovery Units** A person shall not discharge into the atmosphere from any sulfur recovery unit producing elemental sulfur, effluent process gas containing more than:

A. Three hundred (300) parts per million by volume of sulfur compounds calculated as sulfur dioxide;

B. Ten (10) parts per million by volume of hydrogen sulfide;

C. One hundred (100) pounds per hour of sulfur compounds calculated as sulfur dioxide. Any sulfur recovery unit having an effluent process gas discharge containing less than 10 pounds per hour of sulfur compounds calculated as sulfur dioxide may dilute to meet the provisions of Section 412 A.

CHAPTER II
ARTICLE III GEOTHERMAL OPERATIONS

Section 421: **Sulfur Emissions**

A. A geothermal well operation may not emit total sulfur compounds expressed as hydrogen sulfide in excess of one hundred and fifty (150) ppm by weight unless:

1. The developer has installed an operable control system capable of achieving a seventy-five percent (75%) or greater reduction in hydrogen sulfide emission, or
2. The developer documents that it is engaged in an active program of research and development of technology for abating hydrogen sulfide emissions from geothermal well drilling acceptable to the Air Pollution Control Officer, and
3. The emissions from such operation do not cause the one hour ambient air standard for hydrogen sulfide to be exceeded.

The Air Pollution Control Officer may waive the requirements of this Section 421 provided that the developer installs and maintains an approved hydrogen sulfide ambient air monitoring system in the prevailing downwind direction and provided that the ambient air standard is not exceeded. In no case may the Air Pollution Control Officer waive the requirements of this Section if total sulfur compounds expressed as hydrogen sulfide exceed one thousand (1,000) ppm by weight.

B. No geothermal well operation shall emit total sulfur expressed as hydrogen sulfide in excess of twenty-four (24) pounds/day during the lowest bleed rate consistent with keeping the well potentially productive unless monitoring evidence is being and has been collected and convinces the Air Pollution Control Officer that the incremental sulfur emissions by wells of various developers are not likely to cause a violation or make a measurable contribution to an existing violation of the ambient air standard.

Section 421.1: **Geothermal Wells Particulate Emissions**

A. All geothermal well operations shall abide by Rule 411 of the Rules and Regulations of the Air Quality Management District except that during the air drilling phase of the operation, the particulate emission rate may reach a level of one hundred (100) lbs/hr for a time period not to exceed sixteen (16) days.

B. In no case may the ambient particulate air standard be exceeded or caused to be exceeded during any phase of the geothermal well operation.

Section 421.2: **Geothermal Power Plant Operations**

A. Power Plants

1. All geothermal power plants for which an Authority to Construct permit is initially issued before January 1, 1981 shall emit no more than one hundred and seventy-five (175) grams of hydrogen sulfide per gross megawatt hour.
2. All geothermal power plants for which an Authority to Construct permit is initially issued on or after January 1, 1981 shall emit no more than fifty (50) grams of hydrogen sulfide per gross megawatt hour.
3. All geothermal power plants shall, by January 1, 1990, emit no more than fifty (50) grams of hydrogen sulfide per gross megawatt hour.

B. Steam Transmission Lines

1. Effective January 1, 1980, the allowable rate of hydrogen sulfide emissions from steam transmission lines during a power plant outage shall be as defined in Table 2 below during scheduled outages and Table 3 below during unscheduled outages for all geothermal power plants and steam transmission lines operating in the Lake County Air Quality Management District. Time limitations are noted in minutes and begin when the generating unit is first off line, or venting of more than nine percent (9%) of normal, full, unabated steam flow of a unit occurs. Emission limitations to be reached by a noted time are given as the maximum allowable percent of full flow unabated hydrogen sulfide content of steam to the generating unit. In the event of an unscheduled outage, a decision as to the expected total time of the outage is to be made within ninety (90) minutes and entered into an appropriate log maintained at the site and readily accessible by the Lake County Air Quality Management District staff. For a scheduled outage, the expected down time shall be entered into this same log prior to initiating the outage. For the purposes of Section 421.2 B, two or more single generating unit power plants interconnected and capable on a continuous basis of shunting fifty percent (50%) of full steam flow of the larger of the units to other power plant(s) within thirty (30) minutes after initiation of an outage shall be considered a dual unit power plant.
This Regulation does not supersede or repeal any other rules or regulations of the Lake County Air Quality Management District and is intended to supplement other rules concerning the subject matter.
2. Effective January 1, 1985, hydrogen sulfide emissions shall be reduced to ten percent (10%) of unabated full steam flow within fifteen (15) minutes of initial outage. This applies to dual and single unit power plants whether a scheduled or unscheduled outage occurs.

Section 422: **Geothermal Well Venting** No geothermal well operator shall intentionally exhaust into the atmosphere any well in excess of five (5) percent of

full venting capacity without first notifying the Air Pollution Control Officer at least twenty-four (24) hours in advance of the proposed action, except:

A. Operations during the exploratory phase under an Authority to Construct.

B. When abatement equipment proven effective is used in removing air contaminants for which there is an ambient air standard.

C. In cases where wells are being vented full open for purposes of testing the chemical and/or physical properties of the effluent.

D. In cases where the Air Pollution Control Officer requests chemical or physical tests to be performed on the well contents.

TABLE 2 SCHEDULED POWER PLANT OUTAGES

<table>
<tr><td></td><td colspan="2">Outages Less Than 360 Minutes</td><td colspan="3">Outages Greater Than 360 Minutes</td></tr>
<tr><td>Elapsed Time (Minutes)</td><td>15</td><td>360</td><td>15</td><td>90</td><td>240</td></tr>
<tr><td>Dual Units with one Unit Operative</td><td colspan="2">*10% within 15 minutes</td><td colspan="3">*10% within 15 minutes and until startup is initiated</td></tr>
<tr><td>Single Units Capable of Shunting 35% of Full Steam Flow</td><td>*35% within 15 minutes</td><td rowspan="4">Back On Line or Hydrogen Sulfide Reduced to 10% of Full Unabated Hydrogen Sulfide Steam Flow Until Startup is Initiated</td><td>*35% within 15 minutes</td><td></td><td>10% within 240 minutes & until startup is initiated</td></tr>
<tr><td>Single Units without the Capability to Shunt 35% of Full Steam Flow</td><td>*35% within 15 minutes</td><td>*35% within 15 minutes</td><td>10% within 90 minutes & until startup is initiated</td><td></td></tr>
<tr><td>Dual Units with both Units Down Simultaneously & Capable of Shunting Full Steam Flow</td><td>*40% within 15 minutes</td><td>*40% within 15 minutes</td><td></td><td>10% within 240 minutes & until startup is initiated</td></tr>
<tr><td>Dual Units with Both Units Down Simultaneously & No Capability to Shunt Steam</td><td>*40% within 15 minutes</td><td>*40% within 15 minutes</td><td>10% within 90 minutes & until startup is initiated</td><td></td></tr>
</table>

* The necessity for occasional venting in excess of limits specified under an upset in coordinating well throttling and power plant startup or shut down is acknowledged (refer to Article II, Section 510 of LCAQMD Rules and Regulations).

TABLE 3A UNSCHEDULED POWER PLANT OUTAGES

<table>
<tr><td></td><td colspan="4"></td><td colspan="2">Decision as entered in log < 420 minutes</td></tr>
<tr><td>Elapsed Time (Minutes)</td><td>15</td><td>30</td><td>60</td><td>90</td><td>90</td><td>420</td></tr>
<tr><td>Dual Units with one Unit Operative</td><td>90%</td><td>50%</td><td>35%</td><td>10%</td><td>10% continued</td><td rowspan="5">Back on Line or Hydrogen Sulfide Reduced to 10% of Full Unabated Hydrogen Sulfide Steam Flow Rate Until Startup Initiated</td></tr>
<tr><td>Single Units Capable of Shunting 35% of Full Steam Flow</td><td>90%</td><td>50%</td><td>35%</td><td rowspan="4">Enter into Log Expected Duration of Outage</td><td rowspan="4">35% Continued as at 60 Minutes Until Startup Initiated</td></tr>
<tr><td>Single Units without the Capability to Shunt 35% of Full Steam Flow</td><td>90%</td><td>50%</td><td>35%</td></tr>
<tr><td>Dual Units with both Units Down Simultaneously & Capable of Shunting Full Steam Flow</td><td>90%</td><td>50%</td><td>40%</td></tr>
<tr><td>Dual Units with Both Units Down Simultaneously & No Capability to Shunt Steam</td><td>90%</td><td>50%</td><td>40%</td></tr>
</table>

- The necessity for occasional venting in excess of limits specified under an upset in coordinating well throttling and power plant startup or shut down is acknowledged (refer to Article II, Section 510 of LCAQMD Rules and Regulations).

TABLE 3B UNSCHEDULED POWER PLANT OUTAGES

<table>
<tr><td colspan="3">No decision or decision as entered into log is greater than 420 minutes</td></tr>
<tr><td>Elapsed Time (Minutes)</td><td>150</td><td>300</td></tr>
<tr><td>Dual Units with one Unit Operative</td><td colspan="2">10% continued as at 90 minutes until startup is initiated</td></tr>
<tr><td>Single Units Capable of Shunting 35% of Full Steam Flow</td><td colspan="2">10% within 150 minutes and until startup is initiated</td></tr>
<tr><td>Single Units without the Capability to Shunt 35% of Full Steam Flow</td><td colspan="2">10% within 150 minutes and until startup is initiated</td></tr>
<tr><td>Dual Units with both Units Down Simultaneously & Capable of Shunting Full Steam Flow</td><td>Continue at 60 minutes unabated Hydrogen Sulfide steam flow rate</td><td>10% within 300 minutes and until startup is initiated</td></tr>
<tr><td>Dual Units with Both Units Down Simultaneously & no Capability to Shunt Steam</td><td colspan="2">10% within 150 minutes and until startup is initiated</td></tr>
</table>

- The necessity for occasional venting in excess of limits specified under an upset in coordinating well throttling and power plant startup or shutdown is acknowledged (refer to Article II, Section 510 of LCAQMD Rules and Regulations)

CHAPTER II
ARTICLE IV OTHER EMISSIONS OR CONTAMINANTS

Section 430: **General** No person shall discharge, or permit to be discharged from any source whatsoever such quantities of air contaminants or other material which

cause injury, detriment, nuisance or annoyance to any considerable number of persons or to cause injury or damage or have natural tendency to cause injury or damage to business or property (Health and Safety Code Section 41700). This does not apply to odors emanating from agricultural operations in the growing of crops or raising of animals (Health and Safety Code Section 41705). Any discharge of air contaminants which will cause the ambient air quality to exceed those amounts listed in the Table of Standards, applicable state-wide, as shown in the California Administrative Code, Title 17, Section 70200, off premises shall be a violation of this Section. Section 70200 of the California Administrative Code is hereby adopted and made a part of this Regulation as though fully set forth herein.

Section 431: **Non-agricultural Burning**: Except as otherwise provided in these Rules and Regulations, no person shall ignite or cause to be ignited or suffer, allow or maintain any open outdoor fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of motor vehicle bodies or portions thereof.

Section 431.5: Non-Agricultural Open Burning is prohibited in the Lake County Air Quality Management District: 1) on any day designated pursuant to Section 1010; 2) on no burn days; and 3) during fire season as defined in Section 226.5. Activities conducted pursuant to Sections 432, 432.5 and 436 shall be exempt from the requirements of this section.

Section 431.7: Non-Agricultural Burning Hours for the Lake County Air Quality Management District are as follows:

A. Fire season, as defined in Section 226.5;

B. Non-Fire Season, 9 AM to 3 PM.

No fire shall be ignited before or after these applicable hours unless such day is designated as an extended burn day by the Lake County Air Quality Management District and the issued permit allows such extended day light burning for lot clearing or hazard reduction burns.

Extended burn days shall be determined after consideration of the following factors: 1) prevailing visibility (observed, measured coefficient of haze and nephlometric back scattering); 2) anticipated frontal movement; 3) existence of inversions and adiabatic lapse rate (if information is available); 4) previous and next burn day's burn status; 5) precipitation; and 6) if air quality at the time of determination has degraded to 50% of any ambient air quality standard.

Existing lawful open fires continuing to burn without fuel addition after hours designated herein are authorized unless it creates a public nuisance or threatens the

public health, safety or welfare pursuant to the California State Health and Safety Code or these Rules and Regulations.

Section 432: Nothing in this Article shall be construed as limiting the authority granted under other provisions of the law to any public officer to set or permit a fire when such fire is, in his opinion, necessary for any of the following purposes:

A. The prevention of a fire hazard which cannot be abated by any other means on designated permissive burn days.

B. The instruction of public employees in the methods of fighting fires.

C. The instruction of employees in the methods of fighting fire when such fire is set pursuant to permit.

D. The setting of backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

E. The abatement of fire hazards pursuant to Section 13055, Health and Safety Code.

F. Disease or pest prevention where there is an immediate need for and no reasonable alternative to burning.

G. Disposal of agricultural pesticide containers in a manner required by law at the time and place of use when no reasonable alternative to burning exists.

Section 432.5: Exemptions for Preparation of Food and Recreational Purposes: Open outdoor fires which are otherwise lawful and do not contain disallowed combustibles, which are not cause of a public nuisance, and used exclusively for cooking food for human consumption or recreational fires in permitted campgrounds, or for essential purposes as part of public ceremonies are exempt from these rules and regulations.

Section 433: Nothing in this Article shall be construed as prohibiting residential burning as allowed by a valid burning permit issued to an adult for the disposal of natural vegetation originating solely from a single or two-family dwelling on a parcel of record of 1.0 acre or more in size, or a parcel of any size located where green waste collection is not offered by a franchise hauler. All burns must be conducted on the premises where the vegetation grew and at least 100 feet from the nearest neighboring residence. Fires shall not be located in a public roadway right of way, or in roadway ditches. All burning must be conducted during designated allowed days and hours as established in Sections 431.5 and 431.7. Small amounts of dry untreated, non-glossy cardboard and paper may be burned for ignition purposes only.

Material to be burned must not contain any "disallowed combustibles" as defined below, be properly dried to the point it is not green in color and be free of dirt and visible moisture. Dimensional lumber that has been air-dried or kiln-dried, with no preservatives or finishes added, may be burned. All burning shall be conducted in a manner to promote quick and complete combustion, and that minimizes smoke production. The fire shall be supervised at all times by an adult issued a valid permit and the permit shall be immediately provided upon request of a responsible official during any residential burning. Wet or partially composted leaves continuing to smolder or burn without a visual flame shall be extinguished.

The use of an incinerator-type device including those commonly known as a "burn barrel" is prohibited.

Disallowed combustibles include but is not limited to: petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; Styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

Section 433.5: An exemption to the lot size and distance restrictions contained in Section 433 may be granted by written exemption permit, signed by the Fire Chief, or authorized Fire Protection Agency, USFS or CDF employee for the rare occasion when fire hazards exist, or circumstances warrant, and there is no reasonable available alternative to burning. The particular circumstances warranting the exemption shall be stated on the exemption permit. The exemption permit issued pursuant to Section 1002 shall incorporate all reasonable restrictions to avoid smoke nuisance and require compliance with all other open burning regulations. Upon issuance, a copy of the exemption permit shall be immediately filed with the AQMD, by fax or other acceptable record transfer method, by the approving official.

Section 434: Nothing in this Article shall be construed to prohibit burning of vegetation from right-of-way clearing by a public entity or utility or for levee, reservoir and ditch maintenance on designated permissive burn days. No such material may be burned pursuant to this Section unless: (a) agricultural burning is not prohibited on that day, pursuant to Section 41855 of the Health and Safety Code, (b) the material has been prepared by stacking, drying or other methods to promote combustion as specified by the Air Pollution Control Officer; and (c) hours limiting and dates of allowed burning are consistent with agricultural burning limitations of these rules and regulations.

Section 435: Notwithstanding Sections 41508 and 41800 of the Health and Safety Code, open outdoor fires may be used to dispose of Russian Thistle (Salsola Kali) when authorized by a chief of a fire department of fire protection agency of a city, county or fire protection district, the State Forester or his commissioner, or an Air Pollution Control Officer.

Section 436: **Wood Waste Disposal By Open Burning** Disposal of non-industrial and non-commercial wood wastes at designated sites by open burning may be authorized by a burning or authority to construct permit issued by the Air Pollution Control Officer and authorization by affected Fire Protection District or Agencies subject to the following conditions:

1. The site of such burning has been approved by the state Air Resources Board, and a new source permit has been granted by the AQMD pursuant to applicable rules.

2. The site is above 1500 feet elevation mean sea level.

3. The site is secured from public access by locked gates, fences or other means during periods of non-operation and manned by a responsible party during all open hours of operation. Only vegetative waste, stumps of trees smaller than twelve (12) inches in width and free of visible dirt, and non industrial and untreated wood wastes are accepted at the site. All other wastes are to be immediately removed from the site if illegally placed at the site.

4. Wood wastes are dried for a minimum period as specified in Section 436.5D and free of dirt, soil and visible surface moisture prior to igniting to promote good combustion.

5. Wood wastes are ignited and burned by the affected Fire Prevention Agency personnel or other specific permit authorized public employees at a time and on a day when air dispersion is believed to be super adiabatic and fire safety assured. The District may delay any planned ignition to assure good air dispersion. Under no circumstances shall such burning occur on a designated no burn day. Such time and date shall be approved by the affected Fire Prevention Agency having jurisdiction in addition to the District, and the District shall be provided opportunity to inspect the site prior to ignition.

6. If a public nuisance as defined by Health and Safety Code Section 41700 occurs, the permit shall be voided and the operation discontinued.

7. If other than untreated wood or vegetative wastes are burned at the site the permit shall be voided and the operation discontinued.

8. Permits shall be voided upon a finding that alternative methods of disposal have been developed which are technologically and economically feasible by the State Air Resources Board or the District Board.

Section 436.5: **Wood Waste Burning** The following Regulations shall apply to the use of open fires for the disposal of wood waste from property being developed for industrial, commercial or residential purposes where burning disposal alternatives are not feasible:

A. All burning shall be ignited by approved ignition devices such as fuses, orchard torches, propane torches, pressurized flame thrower-type torches, jellied petroleum devices, matches, fuse lighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

B. All material to be burned shall be material that was grown on the property where the waste is to be burned.

C. All material to be burned shall be arranged so that it will burn with a minimum of smoke and be reasonably free of dirt, soil and visible surface moisture.

D. Material shall be dried as follows:
1. Trees and branches over six (6) inches in diameter: sixty (60) days.
2. Vines and brush: thirty (30) days.
3. Prunings and smaller branches: fifteen (15) days.
4. Designated agencies may modify the above drying times as conditions warrant.

E. The District and/or Fire Agency shall be contacted prior to burning when specified to do so on the issued permit. The District or issuing agency may when necessary to preserve air quality or fire safety, elect to delay the burn.

F. The burn shall be ignited as rapidly as practicable within applicable fire control restrictions.

G. Maximum care must be taken to keep smoke from drifting into residential areas such as the incorporated cities and their immediate surrounding populace. Wind direction, topography, thermal inversion and population density shall be considered to minimize smoke reaching nearby residential areas.

H. Unwanted trees over six (6) inches in diameter shall be felled and dried at least sixty (60) days. Tree stumps shall not be burned.

I. Brush must be crushed, uprooted or desiccated with herbicides at least six (6) months prior to burning if economically and technically feasible.

J. A valid Burning Permit issued by an authorized agency is required and such burning is permitted only on Agricultural "Permissive-Burn" days and hours.

K. No special "no-burn day" economic exemption permits shall be granted.

L. No authorization under this section shall be granted if the Air Resources Board determines that an alternate method is technically and economically feasible.

Section 437: **Animal Matter** A person shall not operate or use any article, machine, equipment or other contrivance for the destruction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

A. Incinerated at temperatures of not less than twelve hundred (1,200) degrees Fahrenheit for a period of not less than three-tenths (0.3) second, or

B. Processed in a manner determined by the Air Pollution Control Officer to be equally or more effective for the purpose of air pollution control than A above.

Section 438: **Orchard Heaters** No new orchard or citrus heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the California Air Resources Board. All orchard heaters used shall be of a type which produces unconsumed carbonaceous matter at a rate of not more than one (1) gram per minute. Burning permits are not required for orchard heater operations.

Section 439: **Gasoline Storage** No person shall install or maintain a stationary gasoline storage tank in violation of the provisions of Article 5, Chapter 3, Part 4, Division 26 of the Health and Safety Code (commencing with Section 41950).

Section 439.5: All new or modified gasoline retail service stations shall require an authority to construct and permit to operate. All existing gasoline retail service stations having an installed gasoline storage capacity of greater than 2,900 gallons shall also require the aforementioned permits. The following shall apply to gasoline retail service stations.

A. RETAIL GASOLINE TRANSFER AND STORAGE (Phase I) - Except as otherwise provided, no person shall transfer or permit the transfer of gasoline from any delivery vessel into any stationary container with a capacity of more than 260 gallons used for the fueling of motor vehicles where a collection of state sales tax is required unless the following conditions are met: (1) the storage tank is equipped with a permanent submerged fill pipe; (2) the storage tank and delivery vessel are equipped with an "ARB Certified" Phase I vapor recovery system and all vapor return lines are connected between the delivery vessels and stationary storage containers during fuel transfer; and (3) the installed equipment is operated and

maintained in accordance with the manufacturers specifications and as defined by the applicable ARB Certification and Test Procedure.

B. RETAIL DISPENSING REQUIREMENTS (Phase II) - Except as otherwise provided, no person shall transfer or permit the transfer of gasoline from a stationary storage container into any motor vehicle fuel tank with a capacity in excess of five (5) gallons unless: (1) The dispensing unit used in the transfer is equipped with an "ARB Certified" Phase II vapor recovery system; and (2) the system is operated and maintained in accordance with the manufacturers specifications and pursuant to definitions in California Code of Regulation Section 94006, Subchapter 8, Chapter 1, Part III, of Title 17.

C. POSTING REQUIREMENTS - The operator of any gasoline retail service station shall conspicuously post: (1) on each dispensing pump a sign stating "Air Toxic Risk - Avoid Breathing Fumes - For Your Own Protection DO NOT TOP TANK" or similar noticing decal supplied by the District; and (2) at Phase II equipped facilities, operating instructions for the dispensing of fuel and an ARB toll free telephone number, or an alternative phone number provided by the District, for complaints from the public.

D. HOLD OPEN LATCHES - The operator of any gasoline retail service station subject to this section shall install and maintain to manufacturers specifications a "hold open latch" device on each dispensing nozzle unless a determination has been made by the local Fire Marshall that such a device constitutes a safety hazard.

E. EXEMPTIONS - The following exemptions from this section shall apply.

1) Section 439.5, part A shall not apply to the transfer of gasoline from any delivery vessel into any existing stationary storage container at an existing retail service station with an annual throughput of 240,000 gallons or less, unless such is required to comply with Section 430. During any year thereafter, if annual throughput exceeds 240,000 gallons this exemption shall cease to apply.

2) Section 439.5, part B shall not apply to the transfer of gasoline to motor vehicles from existing retail service stations with an annual throughput of 440,000 gallons or less. During any year thereafter, if annual throughput exceeds 440,000 gallons this exemption shall cease to apply.

3) Section 439.5, part B shall not apply to any existing modified, or new remotely located retail gasoline service station, open to the public which has past and anticipated future annual throughput of 100,000 gallons or less;. A remotely located service station is one which is located eight 8) miles travel or more from the nearest publicly available permitted or existing retail service station at the time of initial permitting. During any calendar year thereafter if annual throughput exceeds 100,000 gallons this exemption shall cease to apply. The plumbing for Phase II shall be required to be installed to the extent practicable by issued permit to construct or modify.

4) Section 439.5 shall not apply to the transfer or dispensing of gasoline used the majority of the time for the fueling of implements of husbandry as defined in Division 16, Chapter 1, of the Vehicle Code.

5) Section 439.5, part A shall not apply to the transfer of gasoline in an amount of 500 gallons or less performed by a delivery truck presently in use for secondary redistribution of gasoline at an existing District permitted bulk plant. This exemption shall cease to apply January 1, 1996.

6) Section 439.5, part D shall not apply to gasoline retail service stations equipped with a Phase II vapor recovery system.

7) Section 439.5, part B and D shall not apply to gasoline sales from equipment used solely for the purpose of fueling aircraft or marine vessels while in the water.

8) Upon written request and providing proof of the necessity of sales of gasoline to enable response to an emergency declared by the Lake County Board of Supervisors, or for routine operations of emergency response vehicles at remotely located sites and stations as defined in 3) above, such sales shall be deducted prior to determining qualification for exemptions contained in 1), 2) and 3) above.

F. COMPLIANCE SCHEDULE

1) The owner of any gasoline retail service station initiating construction after January 15, 1989 and subject to this rule shall comply at the time gasoline is first received or dispensed.

2) The owner of any gasoline retail service station previously exempt shall at the time of a tank replacement, or modifications requiring replacement of more than 50% of the liquid piping be in compliance at the time gasoline is first dispensed after completion of the replacement or modification, or on January 15, 1991, whichever is later.

3) The owner of any other existing gasoline retail service station which has not been required to come into compliance shall achieve compliance in accordance with the following schedule: a) Within three months after adoption of this rule submit an application and fees for a permit to construct and operate, and b) by January 15, 1991 achieve final compliance with all requirements of the issued permit.

4) Any facility previously exempt, shall at the time of exceeding the limitations allowed by an exemption achieve compliance within twelve months of the end of the calendar year for which the limitation was first exceeded.

G. DEFINITIONS - The following definitions shall apply to section 439.5.

Annual Throughput; means the volume of gasoline dispensed at a retail service station as determined from records of actual operation (excluding boat fueling while in the water and the fueling of aircraft) for each calendar year beginning on January 1, 1988 and each year thereafter.

ARB Certified Vapor Recovery System; means a Phase I or II vapor recovery system certified by the ARB pursuant to the California Health & Safety Code.

ARB; means California Air Resources Board.

Gasoline; means any organic liquid (including petroleum distillate and methanol) having a Reid vapor pressure of 4 psi or greater and used as a motor vehicle fuel or any fuel which is commonly or commercially known or sold as gasoline.

Hold Open Latch; means a device commonly in use and as supplied by the manufacturer which allows for the hands-off refueling of a vehicle.

Leak Free; means a liquid leak of no more than three drops per minute excluding losses which occur upon disconnection transfer fittings provided such disconnect losses do not exceed 10 milliliters (0.34 fluid ounces) per disconnect averaged over three disconnects.

Phase I Vapor Recovery System; means a gasoline vapor recovery system which recovers vapors during the transfer of gasoline from delivery vessels into stationary storage containers.

Phase II Vapor Recovery System; means a gasoline vapor recovery system which recovers vapors during the fueling of motor vehicles from stationary storage containers.

Retail Service Station; means any new or existing motor vehicle fueling station subject to payment of California sales tax on gasoline sales.

Vapor Tight ; means a leak of less than 100 percent of the lower explosive limit on a combustible gas detector measured at a distance of 2.5 cm (1 in.) from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

Section 440: **New Source Performance Standards (NSPS)** All new sources of air contaminants or modifications to existing sources shall comply with the rules, standards, criteria and requirements of Part 60, Chapter 1, Title 40, Code of Federal Regulations (40 CFR 60), as herein last amended which are adopted by reference and made a part of these Rules and Regulations. For the purpose of this Rule, the word "Administrator" as used in these federal new source performance standards shall mean the Air Pollution Control Officer of the District. Category types subject to New Source Performance Standards (NSPS) are as given in Table 4.

TABLE 4

CATEGORY TYPES SUBJECT TO NEW SOURCE PERFORMANCE STANDARDS (NSPS)

Category - NSPS	40 CFR 60 Subpart	Last Amended
General Provisions	A	07/21/92
Emissions Guidelines and Compliance Times for		

Existing Municipal Solid Waste Landfills	Cc	03/12/96	
Fossil-Fuel Fired Steam Generators	D	09/27/84	
Electric Utility Steam Generating Units	Da	05/07/90	
Industrial, Commercial, Institutional Steam Generating Units	Db	05/07/90	Small
Industrial, Commercial, Institutional Steam Generating Units	Dc	09/12/90	
Incinerators	E	02/14/90	
Municipal Waste Combustors	Ea	02/11/91	
Portland Cement Plants	F	02/14/89	
Nitric Acid Plants	G	02/14/89	
Sulfuric Acid Plants	H	02/14/89	
Asphalt Concrete Plants	I	02/14/89	
Petroleum Refineries	J	02/04/91	
Petroleum Storage Vessels (Constructed June 11, 1973 to May 19, 1978)	K	04/08/87	
Petroleum Storage Vessels (Constructed after May 8, 1978, and Prior to July 23, 1984)	Ka	04/08/87	
Petroleum Storage; Vessels Constructed after July 23, 1984	Kb	4/8/87	
Secondary Lead Smelters	L	02/14/89	
Secondary Brass and Bronze Ingot Production	M	02/14/89	
Iron and Steel Plants	N	02/14/89	
Basic Oxygen Iron and Steel Plant	Na	2/14/89	
Secondary Emissions			
Sewage Treatment Plants	O	02/03/94	
Primary Copper Smelters	P	02/14/89	
Primary Zinc Smelters	Q	02/14/89	
Primary Lead Smelters	R	02/14/89	
Primary Aluminum Reduction Plants	S	02/14/89	
Wet Process Phosphoric Plants	T	02/14/89	
Super Phosphoric Acid Plants	U	02/14/89	
Diammonium Phosphate Plants	V	05/17/89	
Granular Triple Super Phosphate Storage	X	02/14/89	
Coal Preparation Plants	Y	01/27/83	
Ferro Alloy Production	Z	02/14/90	
Steel Plants - Electric Arc Furnaces	AA	02/14/89	
Electric Arc and Argon Oxygen Decarbonization	AAa	02/14/89	
Kraft Pulp Mills	B B	02/14/90	
Glass Manufacturing	C C	05/17/89	
Grain Elevators	D D	02/14/89	
Surface coating of Metal Furniture	E E	12/13/90	
Stationary Gas Turbines	G G	6/27/89	
Lime Manufacturing	H H	02/14/89	
Lead Acid Battery Manufacture	K K	02/14/89	

Metallic Mineral Processing Plants	L L	02/14/89
Auto and Light-Duty Truck Surface Coating	MM	12/13/90
Phosphate Rock Plants	N N	05/17/89
Ammonium Sulfate Manufacturing	P P	02/14/89
Graphic Arts: Publication Rotogravure Printing	Q Q	11/08/82
Pressure Sensitive Tape and Label Surface Coating	R R	12/13/90
Industrial Surface Coating, Large Appliances	S S	12/13/90
Metal Coil Surface Coating	T T	05/03/91
Asphalt Processing and Asphalt Roofing Manufacture	U U	06/14/89
Synthetic Organic Chemical Manufacturing Industry	V V	06/27/89
Beverage Can Surface Coating Industry	WW	12/13/90
Bulk Gasoline Terminals	X X	02/14/89
New Residential Wood Heaters	AAA	02/13/92
Rubber Tire Manufacturing	BBB	09/19/89
Volatile Organic Compounds from Polymer Manufacturing	DDD	3/22/91
Flexible Vinyl and Urethane Coating and Printing	FFF	08/17/84
Equipment Leaks of VOC in Petroleum Refineries	GGG	05/30/84
Synthetic Fiber Production Facilities	HHH	04/27/84
Synthetic Organic Chemical Manufacturing VOC from Air Oxidation Process	III	09/07/90
Petroleum Dry Cleaning	J J J	11/27/85
Equipment Leaks of VOC from Onshore Natural Gas Processing Plants	KKK	01/21/86
Onshore Natural Gas Emissions Sulfur Dioxide Emissions	LLL	2/14/89
VOC from Distillation Operations	NNN	06/29/90
Non-metallic Mineral Processing Plants	OOO	02/14/89
Wool Fiberglass Insulation	PPP	02/14/89
Petroleum Refinery Wastewater VOC Emissions	QQQ	11/23/88
Synthetic Organic Chemical Manufacturing VOC from Reactor Process	RRR	08/31/93
Magnetic Tape Coating Facilities	SSS	12/09/88
Business Machine Plastic Part Surface Coating	TTT	01/29/88
Mineral Industry Calciners and Dryers	UUU	07/29/93
Supporting Substrate Polymeric Coating Facilities	VVV	9/11/89
Standards of Performance for Municipal Solid Waste Landfills	WWW	03/12/96
Appendix A- Test Methods		07/10/92
Appendix B- Performance Specifications		02/11/91
Appendix C- Determination of Emission Rate Change		12/16/75
Appendix D- Emission Inventory Information		11/17/75
Appendix F- Quality Assurance Procedures		2/11/91

For the purposes of this Rule, 40 CFR 60, Subpart XX shall be modified as indicated below, to conform with the requirements of California State Law:

A. The following definition is substituted for that of "vapor-tight gasoline tank truck" found at 40 CFR 60.501:
"vapor-tight gasoline tank truck" means a gasoline tank truck which has been found to be in compliance with the California Air Resources Board's (CARB) certification leak-rate criteria. This capability is demonstrated using the pressure test procedure specified in the CARB Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks, and the Test Procedures for Gasoline Vapor Leak Detection Using Combustible Gas Detector.

B. Paragraph (e)(1) of 40 CFR 60.502 is deleted.

C. The following documentation file requirements are substituted for those specified at 40 CFR 60.505(b):
The documentation file for each gasoline tank truck shall be updated at least once per year to reflect current test results as determined under CARB Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks. This documentation shall include the information required by the CARB Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks to be contained in the Application for Certification of individual tank trucks.

Section 441: **Performance Standards For Existing Municipal Solid Waste Landfills**

A) Definitions- Unless otherwise defined within this Section, the definitions used for the purposes of this Section shall be those given in 40 CFR Part 60.751.

(1) "Administrator" shall mean the Air Pollution Control Officer of the Lake County Air Quality Management District.

B) General

(1) Purpose - The purpose of this Section is to control emissions from existing Municipal Solid Waste Landfills as required under the provisions of the Federal Clean Air Act, as promulgated by USEPA at 40 CFR Part 60 Subpart Cc.

(2) Applicability - The provisions of this Section shall apply to any Municipal Solid Waste Landfill that has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition, and that has a design capacity greater than 2.5 million mega grams by mass, or 2.5 million cubic meters by volume. The landfill owner may calculate design capacity in either megagrams or cubic meters. Any density measure conversions shall be documented, submitted to the District and subject to the Administrator's approval.

(3) Exemptions - Any Municipal Solid Waste Landfill that is subject to the requirements of the New Source Performance Standard Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills (40 CFR Part 60.750) is exempt from the requirements of this Section.

(4) Effective Dates - The requirements of this Section shall become effective on November 20, 1996.

(5) References - The requirements of this Section arise from the provisions of the Federal Clean Air Act and its amendments (42 U.S. C Section 7401 et seq.); and USEPA regulations setting forth emission guidelines for Municipal Solid Waste Landfills (Final Rule, 40 CFR Part 60.30c).

C) Requirements- The provisions of Parts 60.751 - 60.759, Chapter 1, Title 40 of the Code of Federal Regulations (40 CFR Parts 60.751 - 60.759), are incorporated herein as the requirements of this Section. Applicable provisions of 40 CFR Parts 60.751 - 60.759 include those incorporated in the current bound CFR volume plus any provisions recently promulgated by USEPA, as noticed in the Federal Register, but not yet incorporated into the bound CFR.

Section 450: **National Emissions Standards for Hazardous Air Pollutants (NESHAPS)** The provisions of Part(s) 61 and 63, Chapter 1, Title 40, Code of Federal Regulations as herein last amended are adopted by reference and made a part of these Rules and Regulations. For the purposes of this Rule, the word "Administrator" as used in these national emission standards for hazardous air pollutants shall mean the Air Pollution Control Officer of the District. Category types subject to NESHAPS are as given in Table 5. EPA approved State ATCM's shall be considered District enforceable in lieu of the applicable NESHAP.

TABLE 5

NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)

Category - NESHAP	40 CFR 61 Subpart	Last Amended
General Provisions	A	03/16/94
Beryllium	C	11/07/85
Beryllium Rocket Motor Firing D	11/07/85	
Mercury	E	09/23/88
Vinyl Chloride	F	12/23/92
National Emissions Standards for Equipment Leaks (Fugitive Emissions Sources) of Benzene	J	06/06/84
Benzene from Coke By-Product Recovery Plants	L	09/19/91
National Emissions Standards for Asbestos	M	01/16/91
Inorganic Arsenic from Glass Manufacturing Plants	N	08/04/86
Inorganic Arsenic from Copper Smelters	O	08/04/86

Inorganic Arsenic from Arsenic Trioxide and Metallic Arsenic Production Facilities	P	08/04/86
National Emissions Standards for Equipment Leaks (Fugitive Emissions Sources)	V	07/10/90
Benzene from Benzene Storage Vessels	Y	12/11/89
Benzene from Benzene Transfer Operations	BB	03/07/90
Emission Standard for Benzene Waste Operations	FF	01/07/93

Category- NESHAP	40 CFR 63 Subpart	Last Amended
General Provisions	A	03/16/94
Major Source Control Technology Determinations	B	05/20/94
Compliance Extensions for Early HAPs Reductions	D	11/29/93
Organic Hazardous Air Pollutants from Organic Chemical Manufacturing	F	04/22/94
Organic Hazardous Air Pollutants from Organic Chemical Manufacturing Process Vents, Storage, Transfer Operations and Wastewater	G	04/22/94
Organic Hazardous Air Pollutants from Equipment Leaks	H	04/22/94
Organic Hazardous Air Pollutant Equipment Leaks Subject to Negotiated Regulation	I	04/22/94
National Perchloroethylene Air Emissions Standards for Dry Cleaning Facilities (major sources as defined in the General Provisions)	M	09/22/93
Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)	R	12/14/94
Halogenated Solvent Cleaning	T	12/02/94
Magnetic Tape Manufacturing Operations	EE	12/15/94
Benzene Waste Operations	FF	01/07/93
Shipbuilding and Ship Repair	II	12/15/95
Wood Furniture Manufacturing Operations	JJ	12/15/95

Section 460: **Chrome Plating and Anodizing Facilities**

A. REQUIREMENTS OF DECORATIVE CHROME PLATING FACILITIES: No person shall operate a decorative chrome plating tank unless an anti-mist additive is continuously maintained in the plating tank or control equipment is installed and used in a manner which has been demonstrated to and approved by the District Air Pollution Control Officer as reducing chromium emissions by 95 percent or more relative to chromium emissions when an anti-mist additive is not maintained or control equipment is not installed and used.

B. REQUIREMENTS FOR HARD CHROME PLATING AND CHROMIC ACID ANODIZING FACILITIES:

1) The owners or operators of all hard chrome plating and chromic acid anodizing facilities shall maintain a continuous record of current integrated over time (ampere-hours) for all plating tanks for each collection system used in the hard chrome plating or chromic acid anodizing operations and shall within six (6) months after District adoption of regulations enacting this control measure and upon request thereafter submit the information to the District Air Pollution Control Officer.

2) No person shall operate a plating tank for hard chrome plating or chromic acid anodizing unless the tank has an emissions collection system.

3) No person shall operate a hard chrome plating or chromic acid anodizing tank unless;

(a) the chromium emissions from the emissions collection system serving the plating tank have been reduced by 95 percent or more of the uncontrolled chromium emissions or

(b) the chromium emissions from the emissions collection system serving the plating tank have been reduced to less than 0.15 milligrams (mg) of chromium per ampere-hour of electrical charge applied to the plating tank.

4) No person shall operate a hard chrome plating tank or chromic acid anodizing tank at a facility if facility wide chromium emissions from hard chrome plating or chromic acid anodizing are greater than two (2) pounds per year but less than ten (10) pounds per year unless:

(a) the chromium emissions from the emissions collection systems serving the plating tanks have been reduced by at least 99 percent of the uncontrolled chromium emissions from the hard chrome plating or chromic acid anodizing facility or

(b) the chromium emissions from the emissions collection systems are reduced to less than 0.03 mg of chromium per ampere-hour of electrical charge applied to the tanks.

5) No person shall operate a hard chrome plating or chromic acid anodizing tank at a facility if facility wide chromium emissions from hard chrome plating or chromic acid anodizing are ten (10) pounds per year or greater unless:

(a) the chromium emissions from the emissions collection systems serving the plating tanks have been reduced by at least 99.8 percent of the uncontrolled chromium emissions from the hard chrome plating or chromic acid anodizing facility or

(b) the chromium emissions from the emissions collection systems are reduced to less than 0.03mg of chromium per ampere-hour electrical of charge applied to the tanks.

C. COMPLIANCE SCHEDULE - DECORATIVE CHROME PLATING FACILITIES:

No later than six (6) months after District adoption of regulations enacting this control measure the owners or operators of existing decorative chrome plating tanks must obtain a District permit and comply with the provisions of (A)(1).

D. COMPLIANCE SCHEDULE - HARD CHROME PLATING AND CHROMIC ACID ANODIZING FACILITIES:

1) No later than six (6) months after District adoption of regulations enacting this control measure the owners or operators of existing hard chrome plating or chromic acid anodizing tanks must obtain a District permit. No later than twelve months after District adoption of regulations enacting this control measure the owner or operator of an existing hard chrome plating or chromic acid anodizing facility subject to sections (B)(3) or (B)(5) shall submit to the District Air Pollution Control Officer an application for an Authority to Construct for the equipment necessary to meet the requirement of (B)(2) and (B)(3) and no later than eighteen months after District adoption of regulations enacting this control measure the facility shall be in compliance with the requirements of (B)(2) and (B)(3).

2) No later than eighteen months after District adoption of regulations enacting this control measure the owner or operator of a hard chrome plating or chromic acid anodizing facility subject to (B)(4) shall submit to the District Air Pollution Control Officer an application for an Authority to Construct the equipment necessary to meet the requirements of (B)(2) and (B)(4) and no later than twenty four months after District adoption of regulations enacting this control measure the facility shall be in compliance with the requirements of (B)(2) and (B)(4).

3) No later than thirty months after District adoption of regulations enacting this control measure the owner or operator of a hard chrome plating or chromic acid anodizing facility subject to (B)(5) shall submit to the District Air Pollution Control Officer an application for an Authority to Construct for the equipment necessary to meet the requirements of (B)(5) and no later than forty eight months after District adoption of regulations enacting this control measure the facility shall be in compliance with the requirements of (B)(5).

Section 461: **Cooling Tower Requirement** Any person who owns, operates, plans to build, own, or operate, a cooling tower must:

(1) Presently have a permit, or file an application with the District for an authority to construct permit within 90 days of the effective date of this regulation, or prior to the construction of a cooling tower be issued an authority to construct permit. The permit or application shall; a) identify the operation and location of the cooling tower, b) the owner of the equipment, c) whether or not hexavalent chromium is used in the cooling tower circulating water, d) if used, when hexavalent chromium use will cease, e) identify materials of construction that contain hexavalent chromium, and f) identify any treatment of materials of construction initially or planned as part of maintenance operations with hexavalent chromium.

(2) Cease addition of hexavalent chromium compounds to the circulating water within 90 days of the effective date of this regulation, and achieve a hexavalent chromium content of the circulating water not to exceed 0.15 milligrams per liter no later than 180 days after the effective date.

(3) Test the circulating water for hexavalent chromium concentration using APHA Method 312B or a method approved by the District every six months, report the results to the District, and retain the test results for two years. Testing may be waived if two consecutive test results over a one year period show a hexavalent chromium content of less than 0.15 milligrams per liter, however; the District may require additional testing at any time if there is information that the circulating water may contain hexavalent chromium.

EXCEPTIONS

(4) If the cooling tower contains wood components and the concentration of hexavalent chromium exceeds 0.15 milligrams per liter after 180 days from the effective date of this regulation, the District may extend the compliance date for the hexavalent chromium concentration limit up to six months provided: a) the owner complies with all other requirements of this regulation; b) the District is notified that the cooling tower contains wooden components and the owner requests an extension as provided by this section; c) during the six month extension period the level does not exceed 8 mg/l and improvement is demonstrated; and d) testing for hexavalent chromium in circulating water is performed monthly, forwarded to the District and the results retained on site by the operator for two years.

(5) If the cooling tower has never used or ceased use of hexavalent chromium for at least one year immediately prior to the compliance date and a written certification, signed by the owner, is filed with the District, the District may waive the testing requirement and requirement for a permit to operate.

Section 465: **Ethylene Oxide Airborne Toxic Control Measure Sterilizers and Aerators:**

A. **Definitions**. For the purposes of this section, the following definitions shall apply:

1) **"Acute care facility"** means any facility currently licensed by the California Department of Health Services as a general acute care hospital (as defined in Title 22, CCR, Section 70005), or any military hospital.

2) **"Aeration"** is the process during which residual ethylene oxide dissipates, whether under forced air flow, natural or mechanically assisted convection, or other means, from previously sterilized materials after the sterilizer cycle is complete.

3) "**Aeration-only facility**" means a facility which performs aeration on materials which have been sterilized with ethylene oxide at another facility.

4) "**Aerator**" means any equipment or space in which materials previously sterilized with ethylene oxide are placed or remain for the purpose of aeration. An aerator is not any equipment or space in which materials that have previously undergone ethylene oxide sterilization and aeration can be handled, stored, and transported in the same manner as similar materials that have not been sterilized with ethylene oxide.

5) "**Aerator exhaust stream**" means all ethylene oxide-contaminated air which is emitted from an aerator.

6) "**Back-draft valve exhaust stream**" is the air stream which results from collection of ethylene oxide - contaminated air which may be removed from the sterilizer through a back-draft valve or rear chamber exhaust system during unloading of the sterilizer materials.

7) "**Control device**" means an article, machine, equipment, or contrivance which reduces the amount of ethylene oxide between its inlet and outlet and which is sized, installed, operated, and maintained according to good engineering practices, as determined by the district.

8) "**Control efficiency**" is the ethylene oxide (EtO) mass or concentration reduction efficiency of a control device, as measured with ARB Test Method 431 (Title 17, CCR, Section 94143) according to the source testing requirements herein, and expressed as a percentage calculated across the control device as follows:

$$\frac{\sum \text{EtO in} - \sum \text{EtO out} \times 100}{\sum \text{EtO in}} = \% \text{ Control Efficiency}$$

9) "**Date of compliance**" means the time from district adoption of regulations enacting this control measure until a facility must be in compliance with specific requirements of this rule.

10) "**Ethylene oxide (EtO)**" is the substance identified as a toxic air contaminant by the Air Resources Board in 17 CCR, Section 93000.

11) "**Facility**" means any entity or entities which: own or operate a sterilizer or aerator, are owned or operated by the same person or persons, are located on the same parcel or contiguous parcels.

12) "**Facility-wide pounds of ethylene oxide used per year**" is the total pounds of ethylene oxide used in all of the sterilizers at the facility during a one-year period.

13) "**Leak free**" refers to that state which exists when the concentration of sterilant gas measured 1 cm. away from any portion of the exhaust system of a

sterilizer or aerator, during conditions of maximum sterilant gas mass flow, is less than 1 ppm, as determined by a portable flame ionization detector calibrated with methane, or an equivalent method approved by the district.

14) **"Local medical emergency"** means an unexpected occurrence in the area served by the acute care facility resulting in a sudden increase in the amount of medical treatments which require a significant increase in the operation of a sterilizer or aerator.

15) **"Sterilant gas"** means ethylene oxide or any combination of ethylene oxide and (an) other gas (es) used in a sterilizer.

16) **"Sterilizer"** means any equipment in which ethylene oxide is used as a biocide to destroy bacteria, viruses, fungi, and other unwanted organisms on materials. Equipment in which ethylene oxide is used to fumigate foodstuffs is considered a sterilizer.

17) **"Sterilizer cycle"** means the process which begins when ethylene oxide is introduced into the sterilizer, includes the initial purge or evacuation after sterilization and subsequent air washes, and ends after evacuation of the final air wash.

18) **"Sterilizer door hood exhaust stream"** is the air stream which results from collection of fugitive ethylene oxide emissions, by means of an existing hood over the sterilizer door, during the time that the sterilizer door is open after the sterilizer cycle has been completed.

19) **"Sterilizer exhaust stream"** is all ethylene oxide-contaminated air which is intentionally removed from the sterilizer during the sterilizer cycle.

20) **"Sterilizer exhaust vacuum pump"** means a device used to evacuate the sterilant gas during the sterilizer cycle, including any associated heat exchanger.

A. Sterilizer exhaust vacuum pump is a device used solely to evacuate a sterilizer prior to the introduction of ethylene oxide.

B. **Applicability**. Any person who owns or operates a sterilizer or an aerator must comply with this regulation.

C. **Notification**. Any person subject to this regulation must provide the district with the following information, in writing, within 30 days of the date of district adoption: l) the name(s) of the owner and operator of the facility; 2) the location of the facility; 3) the number of sterilizers and aerators at the facility; 4) an estimate of the total pounds of ethylene oxide and sterilant gas used by the facility, in all sterilizers, during the previous calendar year, as determined by a method approved

by the district. The District may exempt a source from this requirement if the district maintains current equivalent information on the source.

D. **Reporting.** Any person who owns or operates a sterilizer shall furnish a written report to the district annually on the date specified by the district, or, at the district's discretion, shall maintain such a report and make it available to the district upon request. This report shall include one of the following, as determined by the district: l) the number of sterilizer cycles and the pounds of ethylene oxide used per cycle for each sterilizer during the reporting period, as determined by a method approved by the district; or 2) the total pounds of sterilant gas and the total pounds of ethylene oxide purchased, used, and returned in the previous calendar year, as determined by a method approved by the district.

E. **Requirements**. No person shall operate a sterilizer or aerator after the applicable date shown in column (d), Table I, unless all of the following requirements are satisfied: l) there is no discharge of sterilizer exhaust vacuum pump working fluid to wastewater streams; and 2) the exhaust systems including, but not limited to, any piping, ducting, fittings, valves, or flanges, through which ethylene oxide contaminated air is conveyed from the sterilizer and aerator to the outlet of the control device are leak-free; and 3) all of the control requirements shown in Table I below for the applicable control category are met; and 4) for facilities using more than 400 pounds of ethylene oxide per year, the back-draft valve is ducted to the control device used to control the sterilizer exhaust stream or the aerator exhaust stream; and 5) for facilities using more than 5,000 pounds of ethylene oxide per year, the sterilizer door hood exhaust stream is ducted to the control device used to control the aerator exhaust stream.

TABLE 6

CONTROL AND COMPLIANCE REQUIREMENTS

CONTROL CATEGORY	REQUIREMENTS			
	(a)	(b)	(c)	(d)
Facility-wide Pounds of Ethylene Oxide Used per Year	Exhaust Streams to be Controlled	Exhaust Streams to be Tested	Control Efficiency (%)	Date of Compliance (months)
less than or equal to 4	None	None	None	None
more than 4 and less than or equal to 400	Sterilizer	Sterilizer	99.0	24
more than 400 and less than or	Sterilizer Aerator	Sterilizer Aerator	99.9 95.0	18

equal to 5,000	Back-draft valve	N/A*		
more than 5,000	Sterilizer Aerator & Sterilizer Door Hood	Sterilizer Aerator N/A	99.9 99.0 N/A	12
	Back-draft valve	N/A		
Aeration-Only Facilities	Aerator	Aerator	95.0	8

* Not Applicable

F. **Exemptions**.

l) A person who owns or operates a facility which treats materials in a sterilizer and which uses a total of 4 pounds or less of ethylene oxide per calendar year is exempted from items 1), 2), 3), and 4) in subsection "E", Requirements.

2) The district hearing board may grant an emergency variance from items (a) and (c) in Table I of subsection "E", Requirements, to a person who owns or operates an acute care facility if response to a local medical emergency requires increased operation of a sterilizer or aerator such that the requirements cannot be met. The demonstrated need for such increased operation shall constitute good cause pursuant to Health and Safety Code Section 42359.5. The emergency variance shall be granted in accordance with this section and any applicable district rule regarding the issuance of emergency variances for such occurrences, including the requirement that the emergency variance shall not remain in effect longer than 30 days; however, the emergency variance shall be granted only for the period of time during which increased operation of a sterilizer or aerator is necessary to respond to the local medical emergency.

G. **Compliance**. The facility shall be in compliance with all provisions specified in subsection "E Requirements", no later than the date specified in column (d) of Table I. For the purpose of determining compliance with the control efficiency requirement shown in column (c) of Table I, subsection "E", if a reduction in the amount of ethylene oxide across the control device is demonstrated, but the control efficiency cannot be affirmatively demonstrated because the concentration of ethylene oxide measured in the outlet of the control device is below 0.2 parts per million ethylene oxide, the facility shall be considered to be in compliance with this requirement.

H. **Source Testing**. Source testing shall be conducted according to ARB Test Method 431, or as approved in writing by the ARB Executive Officer or the APCO. Specific requirements for application are given below:

l) The test on a control device for a sterilizer exhaust stream shall be run with a typical load, as approved by the district, in the sterilizer.

2) The test on a control device for an aerator exhaust stream shall be run with a typical load, as approved by the district, in the aerator.

3) The inlet and outlet of the control device shall be sampled simultaneously during testing to measure the control efficiency.

4) The efficiency of each control device shall be determined under conditions of maximum ethylene oxide mass flow to the device, under normal operating conditions. To measure the control efficiency of the control device on the sterilizer exhaust stream, sampling shall be done during the entire duration of the first sterilizer evacuation after ethylene oxide has been introduced. To measure the control efficiency of the control device on an aerator exhaust stream with a constant air flow, sampling shall be done during a period of at least 60 minutes, starting 15 minutes after aeration begins. To measure the control efficiency of the control device on an aerator exhaust stream with a non-constant air flow, sampling shall be done during the entire duration of the first aerator evacuation after aeration begins.

5) There shall be no dilution of the air stream between the inlet and outlet test points during testing.

Section 466: **Dioxins Airborne Toxic Control Measure For Medical Waste Incinerators**

(A) **Definitions**. For purposes of this section, the following definitions shall apply:

(1) "**ARB Test Method 2**" means the test method specified in Title 17, California Code of Regulations, Section 94102.

(2) "**ARB Test Method 428**" means the test method specified in Title 17, California Code of Regulations, Section 94139.

(3) "**Dioxins**" means dibenzo-p-dioxins and dibenzofurans chlorinated in the 2,3,7, and 8 positions and containing 4,5,6, or 7 chlorine atoms and is expressed as 2,3,7,8 tetrachlorinated dibenzo-para-dioxin equivalents using current California Department of Health Services toxic equivalency factors.

(4) "**Medical waste incinerator**" means all of the furnaces or other closed fire chambers that are located at a facility and used to dispose of waste generated at medical facilities by burning.

(5) "**Uncontrolled emissions**" means the dioxins emissions measured from the incinerator at a location downstream of the last combustion chamber, but prior to the air pollution control equipment.

(6) "**Waste**" means all discarded putrescible and nonputrescible solid, semisolid, and liquid materials, including garbage, trash, refuse, paper, rubbish, food, ashes, plastics, industrial wastes, demolition and construction wastes, equipment, instruments, utensils, appliances, manure, and human or animal solid and semisolid wastes.

(B) Requirements for medical waste incinerators that incinerate more than 25 tons of waste per year. The following requirements shall apply only to medical waste incinerators that incinerate more than 25 tons of waste per year:

(1) No person shall operate a medical waste incinerator unless: (a) The dioxins emissions have been reduced by 99 percent or more of the uncontrolled emissions; or (b) The dioxins emissions have been reduced to 10 nanograms or less per kilogram of waste burned.

(2) No person shall operate a medical waste incinerator unless the control equipment is installed and used in a manner which has been demonstrated to and approved by the district air pollution control officer (APCO) to meet the following requirements: (a) The flue gas temperature at the outlet of the control equipment shall not exceed 300 degrees Fahrenheit, unless it has been demonstrated to, and approved in writing by, both the ARB and the APCO that lower emissions are achieved at a higher outlet temperature; and (b) For a single chamber incinerator, the combustion chamber shall be maintained at no less than 1800 degrees (+/- 200 degrees) Fahrenheit; (c) For a multiple chamber incinerator, the primary combustion chamber shall be maintained at no less than 1400 degrees Fahrenheit, and the secondary chamber shall be maintained at no less than 1800 degrees (+/- 200 degrees) Fahrenheit; and (d) The furnace design shall provide a residence time for combustion gas of at least one second. Residence time shall be calculated using the following equation: Residence Time = V/Qc , and where V means the volume, as expressed in cubic feet, from the point in the incinerator where the maximum temperature has been reached until the point where the temperature has dropped to 1600°F. Qc means the combustion gas flow through V, as expressed in actual cubic feet per second, which is determined with ARB Test Method 2.

(3) No person shall operate a medical waste incinerator unless the bottom ash, fly ash and scrubber residuals are handled and stored in a manner that prevents entrainment into ambient air.

(4) The owner or operator of a medical waste incinerator shall maintain the following: (a) A continuous data recording system which provides for each day of operation continuous recording of the primary and secondary combustion chamber temperatures; carbon monoxide emissions; the key operating parameters of the air pollution control equipment, as specified by the APCO; the hourly waste charging rates; and the opacity of stack emissions or other indicator of particulate matter which is approved by the APCO; (b) Maintenance records for the incinerator, control equipment, and monitoring equipment; and calibration records for the

monitoring equipment; and (c) Equipment for determining and recording the weight of waste charged to the incinerator.

(5) For purposes of demonstrating compliance with subsection (B)(1) of this rule the owner or operator of a medical waste incinerator shall conduct a minimum of two annual source tests for the dioxins stack emissions using ARB Test Method 428. Annual source tests shall be conducted until at least two consecutive tests demonstrate compliance, at which time the frequency of future source tests is at the discretion of the APCO. For purposes of determining compliance with subsection (B)(1)(a) of this rule, emissions shall be sampled simultaneously from the flue at a location downstream of the last combustion chamber, but prior to the control equipment, and from the stack during source testing. For purposes of determining compliance with subsection (B)(1)(b) of this rule, the source testing shall be conducted at the stack. The information regarding the composition (moisture content, and amount of the total waste that is infectious, pathological, hazardous, or radioactive) and feed rate of the fuel charged during the source test shall be provided with the test results. The APCO can require additional necessary information regarding the composition of the waste. Source testing shall be conducted at the maximum waste firing capacity (+/- 10 percent) allowed by the air district permit. A copy of all source test results conducted for purposes of demonstrating compliance with this rule shall be provided to the ARB at the same time that it is provided to the Air Quality Management District.

(6) Any violation, malfunction, or upset condition on the incinerator, the air pollution control equipment, or the continuous data recording system shall be reported to the district within 1 hour of occurrence or by 9 a.m. the next business day if the malfunction occurs outside normal business hours and the district does not maintain a radio room or an answering machine.

(7) No person shall operate a medical waste incinerator unless each individual who operates or maintains the incinerator obtains either a certificate of training in medical waste incineration issued by The American Society of Mechanical Engineers within nine months of the commencement of the training program, or equivalent training as determined by the APCO. Copies of the training certificates for the operators and maintenance engineers shall be submitted to the district and the original certificates shall be available for inspection at the facility with the permit to operate.

(C) Requirements for medical waste incinerators that incinerate 25 tons or less of waste per year. The following requirements shall apply to incinerators that incinerate 25 tons or less of waste per year:

(1) No person shall operate a medical waste incinerator that incinerates 25 tons or less of waste per year unless the requirements specified in subsections (B)(3), (B)(4)(c), and (B)(7) are met.

(2) The owner or operator of a medical waste incinerator that incinerates more than 10 but less than 25 tons of waste per year shall conduct one initial source test at the incinerator stack as specified in subsection (B)(5).

(D) Compliance Schedule.

(1) No later than 90 days after district adoption of regulations enacting this control measure, the owner or operator of a medical waste incinerator that incinerates more than 25 tons of waste per year shall submit to the APCO an application for an authority to construct the equipment necessary to meet the requirements of sections (B)(1) or (B)(2), and no later than 15 months after district adoption of regulations enacting this control measure, the owner or operator of a medical waste incinerator shall be in compliance with this regulation.

(2) The owner or operator of a medical waste incinerator who intends to permanently shut down operation of the incinerator shall notify the district of the shutdown date within 90 days after district adoption of regulations enacting this control measure. The shutdown date shall be no later than six months after district adoption of regulations enacting this control measure.

(3) The owner or operator of a medical waste incinerator that incinerates 25 tons or less of waste per year who intends to remain in operation shall notify the district within 90 days after district adoption of regulations enacting this control measure. The owner or operator of a medical waste incinerator shall be in compliance with this regulation no later than 15 months after district adoption of regulations enacting this control measure.

(E) This control measure shall not apply to those incinerators which are exclusively crematoria of human or animal remains.

(F) Existing permitted facilities as of January 1, 1991 which choose an alternative technology for primary use, and will not incinerate more than ten tons per year may join efforts or continue singularly to utilize incineration but are subject to compliance requirements of this Section. Existing permits shall be modified upon request for continued stand-by use in the event of failure of any selected alternative equipment, and for the incineration of sharps if such wastes are refused at available land disposal facilities in Lake County once sterilized using alternative method(s).

Section 467: **Asbestos Emissions Control Measure**

Part I - General

The purpose of this Rule is to control emissions of asbestos to the atmosphere and provide appropriate waste handling and disposal procedures.

Part II - Definitions

"**Active Waste Disposal Sites**" means any disposal site or portion thereof which accepts asbestos containing waste material.

"**Adequately Wetted**" means sufficiently mixed or penetrated with liquid to prevent the release of particles. If visible emissions are observed coming from asbestos containing material, then that material has not been adequately wetted; however, the absence of visible emissions is not sufficient evidence of being adequately wetted. Material that is removed in units or parts of units shall be wet at all the exposed surfaces. If broken up, the material shall be wetted at all the exposed fracture surfaces.

"**Asbestos Mill**" means any plant engaged in the conversion or any intermediate step in the conversion of asbestos ore into commercial asbestos. Indoor and outdoor storage, handling, conveying and loading of asbestos materials is considered a part of such a plant.

"**Asbestos Containing Material**" means any material which contains asbestos in an amount greater than 1% by weight, area, or count as determined by: the method specified in appendix A, subpart F, 40 CFR Part 763 Section 1, Polarized Light Microscopy; ARB Test Method 435, or other approved method.

"**Asbestos Containing Serpentine Material**" means serpentine material that meets the Regulated Asbestos Containing Material (RACM) criteria of greater than one percent (1%) asbestos content as determined by ARB Test Method 435 or other approved method.

"**Asbestos Containing Waste Material**" means any waste that contains or has been contaminated by commercial asbestos and is generated by a plant or operation subject to the provisions of this Rule, including but not limited to, asbestos mill tailings, control device asbestos waste, RACM demolition and renovation waste material, and bags or containers that previously contained commercial asbestos.

"**Category I Nonfriable Asbestos Containing Material**" means asbestos containing packings, gaskets, resilient floor coverings, and asphalt roofing products.

"**Category II Nonfriable Asbestos Containing Material**" means asbestos containing material, excluding Category I nonfriable asbestos containing material, that, when dry, and in its present form, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

"**Commercial Asbestos**" means any variety of asbestos which is produced by extracting asbestos from asbestos ore.

"**Completion Date**" means the date on which containment is removed.

"**Containment**" means the isolation of an asbestos removal area from the outside air by use of physical barriers, usually plastic sheeting. Such barriers shall include transparent viewing ports which allow observation, to the extent possible, of all stripping and removal of RACM from outside the barrier.

"**Conversion Operation**" means a process by which asbestos material and/or asbestos containing waste material is converted to non asbestos (asbestos-free) material.

"**Cumulative Renovations**" means a series of small (less than 100 linear, feet, 100 square feet, or 35 cubic feet) renovations or removals of RACM performed during a calendar year at a single plant or facility which, taken together, would add up to a reportable amount under the provisions of this Rule.

"**Control Device Asbestos Waste**" means any asbestos containing waste material that is collected in an air pollution control device.

"**Demolition**" means wrecking, intentional burning or dismantling of any element or all of a building including, but not limited to, any related cutting, disjointing, stripping, removal and handling operations of RACM.

"**Element**" means any boiler, pipe, furnace, duct, tank, reactor, turbine, structural or non structural member.

"**Emergency Demolition**" means a demolition carried out pursuant to an order of a state or local government agency issued because the building is structurally unsound and in danger of imminent collapse.

"**Emergency Renovation**" means a renovation that is not planned but results from a sudden, unexpected event. This includes operations necessitated by equipment failures and unanticipated findings of RACM, or the conversion of previously nonfriable asbestos containing material to friable material during the course of a renovation. Renovations due to fire, water, or earthquake damage, or where an imminent danger to the public health may exist, are included. Renovations in public buildings, schools or owner occupied single family dwellings during or within ten days of the close of escrow may be included at the discretion of the APCO.

"**Fabricating**" means any processing of a manufactured product containing commercial asbestos with the exception of processing at temporary sites for the construction or restoration of buildings, structures, plants or installations.

"**Friable Asbestos Containing Material**" means any material that contains more than one percent (1%) asbestos as determined by the methods specified in Part III, F, (3), when dry, can be crumbled, pulverized or reduced to powder by hand pressure.

"**Glove Bag Technique**" means a method of stripping or removing RACM in which the material is totally isolated inside a plastic bag and then manually removed using gloves which are an integral part of the bag.

"**HEPA Filter**" means a high efficiency particulate air filter capable of filtering 0.3 micron particles with 99.97 percent efficiency as determined by ASTM Method D-2988-71.

"**Inactive Waste Disposal Site**" means any disposal site or portion thereof, where additional asbestos containing waste material will not be deposited and where the surface is not disturbed by vehicular traffic.

"**Leak-Tight**" means any method of containerization that prevents solids, liquids, or particles from escaping or spilling out.

"**Manufacturing**" means the combining or processing of commercial asbestos, or materials containing commercial asbestos into a product.

"**Outside Air**" means the air outside buildings and structures.

"**Owner or Operator of a Demolition or Renovation**" means any person who owns, leases, operates, controls or supervises the stationary structure being demolished or renovated, or any person who owns, leases, operates, controls or supervises demolition or renovation, or both.

"**Particulate Asbestos Material**" means the finely divided particles of asbestos material.

"**Planned Renovation**" means a renovation, or a number of such operations, in which the amount of RACM that will be removed or stripped at an installation within a maximum time of one year can be predicted. Operations that are individually non-scheduled are included, provided a number of such operations can be predicted to occur during a given period of time based on operating experience. The minimum period of time shall be 30 days.

"**Receipt**" means any written acknowledgment that a specified amount of serpentine or asbestos containing material was received, delivered, or purchased. Receipts include, but are not limited to, bills of sale, bills of lading, and notices of transfer.

"**Regulated Asbestos Containing Material (RACM)**" means friable asbestos containing material, or, Category I nonfriable asbestos containing material that has or will become friable, or, Category I nonfriable asbestos containing material that will be or has been subjected to sanding, drilling, grinding, cutting, or abrading, or, Category II nonfriable asbestos containing material that may become or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition, renovation or use.

"**Removing**" means the taking out of RACM used on any element from any building, structure, plant or installation.

"**Renovation**" means an operation other than demolition in which RACM is removed or stripped from any element of a building, structure, plant or installation.

"**Resilient Floor Covering**" means asbestos containing material comprised of floor tile, including but not limited to asphalt or vinyl floor tile, linoleum, or sheet vinyl floor covering.

"**Serpentine**" means any form of hydrous magnesium silicate minerals including, but not limited to, antigorite, lizardite, and chrysotile.

"**Serpentine material**" is any material that contains at least ten percent (10%) serpentine.

"**Starting Date**" means the date on which actual asbestos removal begins.

"**Stripping**" means taking off RACM used on any pipe, duct, boiler, tank, reactor, turbine, furnace, structural member, or surface.

"**Waste Generator**" means any owner or operator of a source subject to this rule whose act or process produces asbestos containing waste material.

"**Waste Shipment Record**" means the shipping document required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos containing waste material.

Part III - Demolition, Renovation, and Removal

A. ADMINISTRATIVE REQUIREMENTS

1. Reporting Demolition and Renovation: The person responsible for any existing source to which this Rule is applicable shall provide to the APCO a description of the emission control equipment used for each process and the following information:

(a) For every demolition even where no RACM is present, and for each renovation operation where the amount of RACM is greater than or equal to 260 linear feet, 160 square feet or 35 cubic feet, a written plan or notification of intent to demolish or renovate shall be provided to the APCO at least 14 days prior to commencement of demolition or renovation, or as early as possible prior to commencement of emergency demolition or renovation. Such notification shall include the following information:

(1) Indicate whether the notification is the original or a revision.

(2) The name, address and telephone numbers of both the owner(s) of the structure and the operator of the demolition or renovation.

(3) A description of the structure being renovated, including the size, number of floors, age of the oldest portion, and the present and prior use of the structure.

(4) An estimate of the approximate amount of RACM to be removed from the structure or portion thereof, in terms of length of pipe in linear feet, surface area

in square feet, or volume in cubic feet if the material is not attached to facility components.

(5) An estimate of the approximate amount of Category I and Category II nonfriable asbestos containing material that will not be removed before demolition.

(6) The procedures used, including the analytical laboratory method employed to locate and identify the presence of RACM and Category I and Category II nonfriable asbestos containing material.

(7) The address and location (including building number or name and floor or room number, as applicable) of each structure where demolition or renovation will occur.

(8) Accurate starting and completion dates of demolition or renovation.

(9) A description of planned demolition or renovation and method(s) to be employed.

(10) A description of work practice and engineering controls to be used including emission control procedures for asbestos removal and waste handling.

(11) The name, address and location of the waste disposal site where the asbestos containing waste material will be deposited.

(12) A copy of the order to demolish including the name, title, and authority of the state or local governmental representative who has ordered a demolition pursuant to Part III, B,1,(k).

(13) Certification that at least one person trained as required by Part III, B, 1, (i), will supervise the asbestos removal described in this plan.

(14) Description of the procedures to be followed in the event that unexpected RACM is found or Category I or II nonfriable asbestos containing material becomes friable.

(15) Name, address and telephone number of the waste transporter.

The information described in this section shall be typewritten or computer printed in a format similar to that shown in 40 CFR Part 61, Figure 3

(a) Schedule Changes and Updates: Any changes to any aspect of a notification submitted in accordance with Part III, A, 1, (a), must be reported to the APCO. These changes shall include, but are not limited to, changes in the notified starting or completion dates, changes of amounts of RACM to be removed, and changes of contractor or waste disposal site. It shall be the responsibility of the person making the initial notification of intent to remove asbestos to ensure that the APCO is notified of any such changes. A job which starts prior to the reported starting date or continues past the scheduled completion date as shown in the notification of intent to remove asbestos, shall constitute a failure to notify.

(b) For active waste disposal operations, a brief description of each process that generates asbestos containing waste material; the average weight of asbestos containing waste material disposed of, measured in lbs/day; the emission control methods used in all stages of waste disposal; and the type of disposal site used for ultimate disposal, including the name of the site operator and the name and location of the disposal site.

(c) For inactive waste disposal sites, a brief description of the site and the method or methods used to comply with the standard, or alternative procedures to be used.

2. Approval of Conversion Operation: To operate a conversion operation pursuant to Part III, C, 1, a, (3), the owner or operator shall apply for and receive an Authority to Construct permit prior to operation. The owner or operator shall provide the APCO with the following:

(a) Descriptions of waste feed, handling and temporary storage, process operating conditions, handling and temporary storage of the end product and a description of the protocol to be followed when analyzing output materials by Transmission Electron Microscopy (TEM) as described in Part III, F, 4; a demonstration of the conversion process upon request of the APCO, and a protocol for the start-up performance test as described in Part III, E, 4 and F, 6.

(b) A report for each analysis of product composite samples performed during the initial 90 days of operation.

(c) A quarterly report, including the following information concerning activities during each consecutive three (3) month period: results of analyses of monthly product composite samples; a description of any deviation from the operating parameters, including its duration, and any corrective action taken: disposition of any products produced during a period when the operating parameters were outside the range indicative of asbestos-free; and information on waste disposal activities as required in Part III, C.

3. Excavating or Disturbing Asbestos Containing Waste: The owner or operator of a waste disposal site referenced in Part III, D, shall notify the APCO in writing at least 45 days prior to excavating or otherwise disturbing any asbestos containing waste material that has been deposited at a waste disposal site and is covered. If the excavation will begin on a date other than the one stated in the original notice, notice of the new start date shall be provided to the APCO at least 14 days before excavating begins. In no event shall excavation begin earlier than the date specified in the original notification. The notice shall include: scheduled starting and completion dates; reasons for disturbing the wastes; procedures to be used to control emissions during the excavation, storage, transport, and ultimate disposal of the excavated asbestos containing waste material; and location of any temporary storage site and the final disposal site.

4. Asbestos Milling, Manufacturing and Fabrication Facilities: Asbestos milling, manufacturing and fabrication facilities shall submit a written maintenance plan to the APCO. This plan shall include the following information: maintenance schedule; record keeping plan; and maintenance records of the results of visible emissions monitoring and air cleaning device inspections including the following: date and time of each inspection: presence or absence of visible emissions; condition of fabric filters, including presence of tears, holes and abrasions; presence of dust deposits on clean side of filter: brief description of corrective actions taken, including date and time; and daily hours of operation for each air cleaning device. On a quarterly basis, submit a copy of visible emissions monitoring records if visible emissions occurred during the reporting period. Quarterly reports shall be postmarked by the 30th day following the end of the calendar quarter.

B. DEMOLITION, RENOVATION AND REMOVAL

1. Procedures: To prevent emissions from asbestos containing material, a person responsible for scheduled or emergency demolition, renovation, or removal of any building elements containing any amount of RACM shall use the procedures specified as follows:

(a) Wetting Method: All exposed RACM shall be adequately wetted and kept wet during cutting, stripping, demolition, renovation, removal and handling operations both inside and outside of a building, unless otherwise provided in this Section. Wetting requirements are suspended when the temperature at the point of wetting is below 32°F in which case elements of RACM shall be removed in units or in sections to the maximum extent possible. The air temperature at the point of wetting shall be determined by an appropriate measurement method with an accuracy of +/-2°F and recorded hourly during the period that the operation of the wetting system is suspended.

(b) Exhaust and Collection Method: In lieu of wetting, a local HEPA exhaust, ventilation, and collection system designed and operated to capture the emissions from RACM and prevent any visible emissions to the outside air may be used during 1) stripping of any element that has been removed as a unit or in sections; 2) to prevent emissions of particulate asbestos containing material to the outside air when damage to equipment resulting from wetting would be unavoidable; 3) shot blasting of mastic. Approval for dry removal of RACM must be received from the APCO. Requests for approval of dry removal must be in writing.

(c) Scheduling: Except as otherwise provided in this rule, RACM shall be removed prior to other demolition or removal operations that would either break up or preclude access to the RACM for subsequent removal.

(d) Removal In Units: Elements that have RACM may be removed in units or sections so long as the exposed RACM during cutting or disjointing is adequately wetted or encapsulated to prevent emissions of particulate asbestos material. Such sections if elevated shall be carefully lowered to ground level, where they are to be abated using the wetting method.

(e) Removal By Chute or Container: All RACM not removed in units or sections shall be adequately wetted and kept wet, and transported to the ground in dust tight chutes or containers.

(f) Containment Requirement: Any building, structure, room, facility or installation from which RACM is being stripped or removed, shall be isolated by physical barriers from the outside air. Such barriers shall include transparent viewing ports which allow observation, to the extent possible, of all stripping and removal of RACM from outside the barrier. The negative air pressure inside the isolated work area shall be maintained at a pressure differential relative to adjacent, non-isolated areas to the extent feasible. The negative air pressure ventilation equipment shall be operated continuously from the establishment of isolation barriers through final clean-up of the work area following stripping or removal of RACM. This section shall not apply to a removal done entirely by the glove bag method, a removal using a mini-enclosure designed and operated according to Appendix G to 29 CFR Section 1926.58, or a removal using any other engineering

control technique approved by the APCO. The requirement to maintain negative air pressure shall not apply to outdoor pipe ways at industrial facilities, however these jobs shall be contained by plastic barriers to the extent feasible to prevent visible emissions of RACM.

(g) Clean Work Site Requirement: All friable asbestos containing waste material related to a specific demolition, renovation or removal, including pre-existing debris, shall be handled in accordance with the provisions of Parts III and IV.

(h) Surveys: Prior to commencement of any demolition or renovation, the owner or operator shall thoroughly survey the affected stationary structure or portion thereof for the presence of asbestos containing material, including Category I and Category II nonfriable asbestos containing material. The survey shall be performed by a person who is certified by the provisions of Occupational Safety and Health Act pursuant to regulations required by subdivision (b) of Section 9021.5 of the Labor Code, and who has taken and passed an EPA approved Building Inspector course and who conforms to the procedures outlined in the course. The survey shall include sampling and laboratory analysis of the asbestos content of all suspected asbestos containing materials.

(i) On-Site Representative: No RACM shall be stripped or removed unless at least one on-site representative, such as a foreman or management level person or other authorized representative, certifies that he or she is familiar with the provisions of this rule as it pertains to demolition and renovation and the means of compliance therewith, and is present during all stripping and removing of RACM. The required training shall include: applicability of the regulation, notifications, procedures, material identification, and control procedures for removals, including: adequate wetting, local exhaust ventilation and HEPA filtration, negative pressure enclosures, glove-bag procedures, waste disposal work practices, and reporting and record keeping requirements.

(j) RACM Discovered After Demolition: If RACM is not discovered until after demolition begins and as a result of the demolition cannot be safely removed, the asbestos contaminated debris shall be treated as asbestos containing waste material and kept adequately wet at all times until disposed of according to the provisions of Part III, C.

(k) Ordered demolition: The owner or operator of any demolition of any building or other stationary structure pursuant to an order of an authorized representative of a state or local governmental agency, issued because that structure is structurally unsound and in danger of imminent collapse, shall comply with the wetting requirements of Part III, B, 1, (a), to the extent feasible during the wrecking operation.

(l) Maintenance of Removed RACM - Waste Handling: All RACM that has been removed or stripped shall be kept adequately wetted at all times, stored in transparent leak-tight containers, labeled with the name of the waste generator and the location at which the waste was generated, and stored in a secured and locked area until collected for transport to a waste disposal site.

2. Prohibited Operations: The following operations are prohibited:

(a) The spraying of any substance containing any amount of asbestos in or upon a building or other structure during its construction, alteration or repair.

C. WASTE DISPOSAL

1. To prevent emissions from asbestos containing material, a person responsible for the collection, processing, packaging, transporting, or disposition of any asbestos containing waste material which is generated by manufacturing, fabricating, scheduled or emergency demolition or renovation, spraying operations or asbestos mills, shall use the following specified procedures:

(a) The person responsible for any demolition, renovation or removal of RACM, or for any source other than an asbestos mill may elect to use either of the following disposal methods or an alternative disposal method which has received prior approval by the APCO.

(1) Treatment of Asbestos Containing Waste Material with Water: Control device asbestos waste shall be adequately wetted and kept wet. There shall be no visible emissions to the outside air from the collection, mixing and wetting operations, except as permitted in Part IV, B, 1. After wetting, and while still wet, all asbestos containing waste material shall be sealed into leaktight containers prior to being removed from containment as specified in Part III, B, 1, (l). Such containers shall remain leaktight and be deposited at waste disposal sites which are operated in accordance with the provisions of Part III, D. The containers shall be labeled with the name of the waste generator and the location (address) from which the waste was generated. Containers shall also include an OSHA Approved asbestos warning label.

(2) Processing of Asbestos Containing Waste Material into Nonfriable Forms: All asbestos containing waste material shall be formed into nonfriable pellets or other shapes and deposited at waste disposal sites which are operated in accordance with this regulation. There shall be no visible emissions to the outside air from this collection and processing of asbestos containing waste material except as permitted in Part IV, B, 1. For the purposes of this section, the term "all asbestos containing waste material" as applied to demolition and renovation operations includes only friable asbestos waste and control device asbestos waste.

(3) Conversion of RACM and Asbestos Containing Waste Material into Non Asbestos (asbestos-free) Material: Each owner or operator of a conversion operation shall comply with Part III, E, 4 and Part III, F, 6.

`(b) Rather than meet the requirements of Part III, B, the person responsible for an asbestos mill may elect to meet the following requirements or use an alternative disposal method after receiving prior written approval by the APCO.

(1) There shall be no visible emissions to the outside air from the transfer of control-device asbestos waste to the tailings conveyor, except as permitted in Part IV, B, 1. Such waste shall be subsequently processed in accordance with this regulation .

(2) All asbestos containing waste material shall be adequately mixed with a wetting agent prior to disposition at a waste disposal site. Such wetting agent shall be used as recommended for the particular dust by the manufacturer of the agent.

There shall be no visible emissions to the outside air from the wetting operation except as permitted in Part III, B, 1. (a). Wetting may be suspended when the ambient air temperature at the waste disposal site is less than 15°F. The ambient air temperature shall be determined by an appropriate measurement method with an accuracy of +/-2°F and recorded hourly during the period that the operation of the wetting system is suspended.

(c) All asbestos containing waste material shall be deposited at waste disposal sites operated in accordance with this Rule.

(d) For demolition's where the RACM is not removed prior to demolition pursuant to Part III, B, 1, (k), the asbestos containing waste material shall be kept adequately wetted at all times after demolition, during handling and loading and shall be sealed in leak-tight containers for transport to a disposal site.

(e) All vehicles used to transport asbestos containing waste material shall be placard as specified in 29 CFR 1910.145 and this section during the loading, unloading and transportation of waste. The signs shall be visible and shall be displayed in such a manner that a person can easily read the legend:

DANGER ASBESTOS DUST HAZARD CANCER AND LUNG DISEASE HAZARD AUTHORIZED PERSONNEL ONLY

(f) All asbestos containing waste material transported off the facility site shall meet all of the following requirements:

(1) Maintain a waste shipment record as specified in Part III, E, 2.

(2) Provide a Copy of the waste shipment record specified in Part III, E, 2, to the disposal site owner or operator at the same time the asbestos containing waste material is delivered to the disposal site.

(3) Contact the transporter and/or the owner or operator of the disposal site to determine the status of the waste shipment. If the waste shipment record specified in Part III, E, 2, signed by the owner or operator of the designated disposal site is not received by the waste generator within 35 days of the date the waste was accepted by the initial transporter.

(4) Provide a written report to the APCO if a copy of the waste shipment record referenced in Part III, E, 2, signed by the owner or operator of the disposal site if not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter. The following information shall by included: a copy of the waste shipment record specified in Part III, E, 2, for which a confirmation of delivery was not received, and a letter signed by the waste generator explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.

D. WASTE DISPOSAL SITES

1. There shall be no visible emissions to the outside air from a waste disposal site where asbestos containing waste material is being or has been deposited.

2. Warning signs shall be displayed at all entrances, and along the property line of the site or along the perimeter of the sections of the site, at intervals of 300 feet or less where asbestos containing waste material was deposited. Warning signs and fencing are not required where the requirements of Part III, D, 4, (a) and (b), are met, or where a natural barrier adequately deters access by the general public. Upon request and supply of appropriate information, the APCO will determine whether a fence or a natural barrier adequately deters access to the general public.

3. The perimeter of the site shall be fenced in a manner adequate to deter access by the general public, except as specified in Part III, D, 2.

4. Rather than meet the requirements of Part III, D, 1 and 2, a person may elect to meet the following requirements or may use an alternative control method for emissions from a waste disposal site which has received prior approval by the APCO.

(a) For an inactive site, the asbestos containing waste material shall be covered with at least 6 inches of compacted non asbestos containing material and a cover of vegetation shall be grown and maintained on the area adequate to prevent exposure of the asbestos containing waste material; or the asbestos containing waste material shall be covered with at least 2 feet of compacted non asbestos containing material and maintained to prevent exposure of the asbestos containing waste.

(b) For inactive waste disposal sites for asbestos tailings, a resinous or petroleum-based dust suppression agent which effectively binds dust and controls wind erosion shall be applied and maintained. Such agent shall be used as recommended for the particular asbestos tailings by the dust suppression agent manufacturer. Other equally effective dust suppression agents may be used upon prior approval by the APCO. For purposes of this section waste crankcase oil is not considered a dust suppression agent.

(c) For an active waste disposal site, at the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, the asbestos containing waste material which was deposited at the site during the operating day or previous 24-hour period shall be covered with at least 6 inches of compacted non asbestos containing material or with a resinous or petroleum based dust suppression agent which effectively binds dust and controls wind erosion. Such dust suppression agent shall be used as recommended for the particular dust by the dust suppression agent manufacturer. Other equally effective dust suppression agents may be used upon prior approval by the APCO. For purposes of this section, waste crankcase oil is not considered a dust suppression agent.

5. For an active waste disposal site the owner or operator shall:

(a) Maintain waste shipment records as specified in Part III, E, for all asbestos containing waste material received;

(b) Send a copy of the signed waste shipment record to the waste generator as soon as possible and in no case longer than 30 days after the receipt of the waste;

(c) Upon discovering a discrepancy between the quantity of asbestos- containing waste material noted in the waste shipment records and the quantity actually received, attempt to reconcile the discrepancy with the waste generator. If the discrepancy is not resolved within 15 days after receiving the waste, immediately report in writing to the APCO, describe the discrepancy and attempts to resolve it, and include a copy of the waste shipment record.

E. MONITORING AND RECORDS

1. Temperature Records: Records of temperature measurements as required by Part III, B, 1, (a) and Part III, C, 1, (b), (2), shall be retained by the operator for a minimum of two (2) years and made available for inspections by the APCO.

2. Waste Shipment Records: Waste shipment records as required by Part III, C, 1, (f), shall include the following information:

(a) The name, address, and telephone number of the waste generator.
(b) The name and address of the local Air Quality Management District in which the waste was generated.
(c) The approximate amount of waste in cubic yards.
(d) The name and telephone number of the disposal site operator.
(e) The name and physical location of the disposal site.
(f) The name, address, and telephone number of the transporter(s).
(g) A certification that the contents of this consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway. Records shall be retained by the waste generator for a minimum of two (2) years and made available for inspection by the APCO.

3. Active Waste Disposal Site Records:

(a) Waste shipment Records: Waste shipment records as required by Part III, D, 5, shall include the following information:

(1) The name, address and telephone number of the waste generator.
(2) The name, address and telephone number of the transporter(s).
(3) The quantity of the asbestos containing waste material in cubic yards.
(4) The presence of improperly enclosed or uncovered waste, or any asbestos containing waste material not sealed in leak tight containers. If this condition exists, report in writing to the APCO by the following working day. Submit a copy of the waste shipment records along with the report.
(5) The date of receipt. Records shall be retained by the waste disposal site operator for a minimum of two (2) years and made available for inspection by the APCO.

(b) Asbestos Waste Location Records: Maintain, until closure, records of the location, depth and area, and the quantity in cubic yards of asbestos containing waste material within the disposal site on a map or diagram of the disposal area. Upon closure of the facility, submit a copy of records of asbestos waste disposal locations and quantities to the appropriate Local Enforcement Agency.

4. Conversion Operation: The owner or operator of a conversion operation shall maintain the following records: results of the start-up performance testing and all subsequent performance testing, including operating parameters, feed characteristics and analyses of output materials; results of the composite analyses, continuous monitoring and loss of process operating parameters required in Part III, F, 6; the waste shipment records including the information required in Part III, E, 3 for all asbestos containing waste received; and the name and location of the purchaser or disposal site and the date of sale or deposit for output materials.

5. A person subject to this rule shall maintain records for two (2) years and make the records available for inspection by the APCO upon request.

F. MANUAL OF PROCEDURES

1. Waste Disposal Warning Labels: Warning labels required by Part III, C, 1, (a), (1), must be as specified in the Manual of Procedures or by the Occupational Safety and Health Administration.

2. Warning Signs for Waste Disposal Sites: Warning signs required by Part III, D, 2, must be as specified in the Manual of Procedures.

3. Bulk Sampling Analysis: Asbestos bulk samples shall be analyzed using ARB Test Method 435 or other approved method.

4. Asbestos : When so indicated, asbestos content shall be determined using the National Institute of Standards and Technology (NIST) approved Transmission Electron Microscopy (TEM) method.

5. Fabric Filters: The airflow permeability of fabric filters shall be as specified by ASTM Method pages 737-769.

6. Conversion Facility Performance Test: Prior to start up of an asbestos conversion facility subject to Part III, A, 2 and Part III, E, 4, an owner or operator must conduct a start-up performance test as specified in 40 CFR Part 61.155(b). Operations tests shall be performed as specified in 40 CFR Part 61.155(c) and (d).

G. EXEMPTIONS

1. This rule shall not apply to residential buildings which have four (4) or fewer dwelling units.

2. This rule shall not apply to maintenance or decontamination procedures where no removal takes place.

3. Those operations that primarily install asbestos friction products in motor vehicles are exempt from the requirements of Part III, B.

4. Cold process cutback asphalt roof coatings and exterior and interior coatings and laminating resins containing encapsulated asbestos fibers bound within the finished product from manufacture through application are exempt from the limitations of Part III, B.

5. Maintenance and decontamination operations where no RACM is being removed are exempt from the provisions of Part III, B.

Part IV - Manufacturing

A. PROHIBITED OPERATIONS

Molded insulating materials which are friable, and wet-applied insulating materials which are friable after drying, installed after the effective date of this regulation, shall contain no asbestos.

B. VISIBLE EMISSIONS

1. There shall be no visible emissions to the outside air from any asbestos mill or from any operation involving the manufacture or fabrication of any product containing asbestos.

(a) Rather than meet the no visible emission requirements as specified, a person may elect to use air-cleaning to clean emissions containing particulate asbestos material before such emissions escape to, or are vented to, the outside air. Each owner or operator must meet the following requirements:

(1) Monitor each potential source of asbestos emissions from any part of the mill, manufacturing, or fabricating facility including air cleaning devices, process equipment and buildings that house equipment for material processing and handling, at least once each day, during daylight hours, for visible emissions to the outside air during periods of operation. The monitoring shall be visual observation of at least 15 second duration per source of emissions utilizing EPA Method 9.

(2) Inspect each air cleaning device at least once each week for proper operation and maintenance, including, to the maximum extent possible without dismantling other than opening the device, the presence of tears, holes, and abrasions in filter bags and for dust deposits on the clean side of bags. For air cleaning devices that cannot be inspected weekly, submit a written maintenance plan to the APCO. If the use of fabric filters creates a fire or explosion hazard, the APCO may authorize the use of wet collectors designed to operate with a unit contacting energy of at least 40 inches water gauge pressure. All air cleaning equipment authorized by this rule must be properly permitted, installed, used, operated and maintained. By-pass devices may be used only during emergency conditions and then only for so long as it takes to shut down the operation generating the particulate asbestos material.

Part V - Roadways and Surfacing Standards

A. PROHIBITED OPERATIONS

The surfacing of roadways with asbestos containing materials, asbestos containing wastes or serpentine which contains more than one percent (1%) asbestos is prohibited, except as allowed under Part V, D. The depositing of asbestos containing materials on roadways covered with snow or ice is considered "surfacing".

B. REQUIREMENTS FOR USE OR SALE OF ASBESTOS CONTAINING SERPENTINE MATERIALS

1. All facilities which sell, supplies, or offers for sale serpentine material shall apply for and maintain a District Permit.

2. Any person who sells, supplies, or offers for sale serpentine material within the District, shall provide with each sale or supply a written warning notice containing the following statement: "Serpentine material may have an asbestos content greater than one percent (1%). Asbestos when inhaled is designated a cancer causing agent. It is unlawful to use serpentine material for surfacing unless the material has been tested and found to contain less than or equal to one percent (1%) asbestos. All tests for asbestos content must use California Air Resources Board Test method 435, and a written record documenting the test result(s) must be retained for at least seven years if the material is used for surfacing."

3. No person shall sell, supply, or offer for sale serpentine material for surfacing within the District unless the serpentine material has been tested using ARB Test Method 435 or other approved method, and determined to have an asbestos content of one percent (1%) or less. Any person who sells, supplies, or offers for sale serpentine material that he or she represents, either orally or in writing, to be suitable for surfacing or to have an asbestos content that is one percent (1%) or less, shall provide to each purchaser or person receiving the serpentine material a written receipt which specifies the following information: the amount of serpentine material sold or supplied; the dates that the serpentine material was produced, sampled, tested, and supplied or sold; and the asbestos content of the serpentine material as measured by ARB Test Method 435, or other approved method. A copy of the receipt must, at all times, remain with the serpentine material during transit and surfacing.

4. No person shall use or apply serpentine material for surfacing within the District unless the material has an asbestos content of one percent (1%) or less as determined by ARB Test Method 435 or other approved method. A written receipt or other record documenting the asbestos content shall be retained by any person who uses or applies serpentine material, and the landowner or their successor of the parcel receiving the application or surfacing, for a period of at least seven (7) years

from the date of use or application. The receipt or other record shall be provided to the District upon request.

5. Any person who sells, supplies, or offers for sale serpentine material, shall retain for a period of at least seven (7) years from the date of sale or supply, copies of all receipts and copies of any analytical test results from asbestos testing of the serpentine material. All receipts and test results shall be provided to the District for review upon request.

6. Asbestos Containing Serpentine Material shall be transported and handled in a manner so as not to create visible emissions. All serpentine loads transported more than one (1) mile shall be covered or tarped to minimize fugitive dust unless specific alternatives have been identified in an approved dust abatement plan.

7. If ARB Test Method 435 has been used to perform two or more tests on any one volume of serpentine material, whether by the same or a different person, the arithmetic average of these test results shall be used to determine the asbestos content of the serpentine material.

8. Any unpaved road, parking lot or recreational trail intended for motorized vehicle use which is open to the public shall be evaluated by the responsible agency or property owner and an asbestos-dust-hazard mitigation plan filed if they are: 1) located on serpentine outcrops, serpentine alluvial material, or surfaced with serpentine aggregate which is greater than or equal to 260 linear feet or 160 square feet of the regularly traveled wearing surface and contains more than one percent (1%) asbestos; and 2) located in areas having residential, industrial or commercial zoning, or areas having a dwelling density of greater than two units per acre, or areas which are regularly inhabited by five or more persons within a 200 foot distance of the road, trail or parking lot. Said plan shall be filed with the District within six months of notification by the District or discovery by the owner or responsible agency of such an existing road, parking lot or recreational trail and shall include the following: 1) proposed mitigation to limit public exposure, or reasons no such mitigation is necessary; 2) intended dates of action; 3) provide for posting of warning signs clearly visible to the affected public which advise of the potential exposure to airborne asbestos and steps that can be taken to lessen exposure, at minimum signs shall incorporate the warning of Part III, C, 1, (e); and 4) the name and phone number of a responsible contact person for public inquiry. The responsible party shall implement and retain a copy of the filed plan until such time as the potential exposure is removed. The District shall retain the right to reject the plan and request updates if the plan does not substantially limit public exposure to airborne asbestos. Failure to implement mitigation identified in the plan shall be considered a violation of these rules and regulations.

9. All forest roads, recreational trails, commercial, and industrial operations which are regularly utilized and located on a serpentine outcrop or alluvial material from an outcrop which contains greater than one percent (1%) asbestos, and have

serpentine wearing surfaces greater than or equal to 260 linear feet or 160 square feet, shall upon request of the District, file and implement an approved asbestos-dust-hazard mitigation plan. The plan shall address and include mitigation for: roads, yards, driveways, parking areas, and tracking material onto adjacent roadways. All facility employees shall be informed of the potential health risk of airborne asbestos, and the requirements of the dust abatement plan by the owner of the facility.

10. All construction projects located on a serpentine outcrop or alluvial material from an outcrop which contains greater than one percent (1%) asbestos having the potential to create a wearing surface, shall notify the District of intended operations 30 days prior to construction activity. A representative from each project shall file and receive approval of an asbestos-dust-hazard mitigation plan prior to any construction activity at the site. The plan shall address and include mitigation for: excavation, roads, yards, driveways, parking areas, hauling and tracking of material onto adjacent roadways. All material shall be transported in a manner minimizing dust emissions. In no instance shall the dust from such operations exceed five percent (5%) opacity twenty (20) feet from the traveled surface. Employees working on such projects shall be informed of the potential health risk of airborne asbestos, and the requirements of the asbestos-dust-hazard mitigation plan by the owner of the project.

11. The District shall maintain a list of asbestos-dust-hazard mitigation measures available to the public

C. SCHEDULE OF COMPLIANCE

Provisions of PART V shall become effective in 30 days, except for provisions of Part V, B, 8 through 10 which shall become effective 180 days after the date of rule adoption.

D. EXEMPTIONS

1. The provisions of PART V, B, 1 through 5, shall not apply to sand and gravel operations.

2. The provisions of Part V, B, 4, shall not apply to roads located at serpentine quarries, asbestos mines, or mines located in serpentine deposits.

3. The provisions of Part V, B, 4, shall not apply to maintenance operations on existing road surfaces, or to the construction of new roads in serpentine deposits, as long as no additional asbestos containing serpentine material is imported or applied to the road surface.

4. The provisions of Part V, B, 10, shall not apply to projects which have a planning agency use permit incorporating conditions addressing serpentine or asbestos containing serpentine materials, which have been approved by the District.

5. The APCO may issue a temporary exemption from the requirements of Part V, B, 4, to an applicant who demonstrates that a road repair is necessary due to a landslide, flood, or other emergency. The APCO shall specify the time during which such exemption shall be effective.

6. The provisions of Part V, B shall not apply to serpentine material contained in bituminous concrete, Portland cement /concrete, bituminous surface, or other similar cemented materials.

7. The provisions of Part V, B, 4, shall not apply to single unit residential property, or agricultural land when engaged in customary practices of use, provided that no additional serpentine material is imported to the single unit residential property or agricultural land for the purposes of surfacing parking lots or driveways and no visible dust is generated.

Section 468: **Perchloroethylene Air Toxics Control Measure - Dry Cleaning Operations**

(a) Applicability. Any person who owns or operates perchloroethylene dry cleaning equipment shall comply with Section 468.

(b) Permits. The owner/operator of an existing dry cleaning facility shall apply for a District permit in writing:
(1) Within 60 days of rule adoption
(2) Facilities which have applied for or currently have valid District permits, are exempt from (b)(1).

(c) Recordkeeping. The owner/operator shall maintain the following records which shall be accessible to the District at the facility at all times.
(1) A log showing the date and the pounds of materials cleaned per load.
(2) Purchase and delivery receipts for perchloroethylene.
(3) The completed leak inspection checklists required by subsection (e)(2) and the operation and maintenance checklists required by subsection (e)(1)(A).
(4) The manufacturer's operating manual for all components of the dry cleaning system.
(5) A copy of the record of completion for each trained operator.

(d) Annual Reporting. By October 31st of each year, the owner/operator shall report the following information:
(1) The total of the pounds of materials cleaned and the gallons of perchloroethylene used for all solvent additions in the reporting period.

(e) Good Operating Practices. The owner/operator shall not operate dry cleaning equipment after rule adoption, unless all of the following requirements are met:

(1) Operation and maintenance requirements. The trained operator, or his/her designee, shall operate and maintain all components of the dry cleaning system in accordance with the requirements of this section and the conditions specified in the facility's operating permit. For operations not specifically addressed, the components shall be operated and maintained in accordance with the manufacturer's recommendations.

(A) The district shall provide an operation and maintenance checklist to the facility. Each operation and maintenance function and the date performed shall be recorded on the checklist. The operation and maintenance checklist provided by the district shall include the following requirements:

1. Refrigerated condensers shall be operated to ensure that exhaust gases are recirculated until the air-vapor stream temperature on the outlet side of the refrigerated condenser downstream of any bypass, is less than or equal to 45°F (7.2°C), with at least a 20°F (11.1°C) efficiency.
2. Vapor adsorbers used as a secondary control system shall be operated to ensure that exhaust gases are recirculated at the temperature specified by the district, based on the manufacturer's recommendations for optimum adsorption. These vapor adsorbers shall be desorbed according to the conditions specified by the district in the facility's operating permit, including a requirement that no perchloroethylene vapors shall be routed to the atmosphere during routine operation or desorption.
3. Cartridge filters and adsorptive cartridge filters shall be handled using one of the following methods.
   i. Drained in the filter housing, before disposal, for no less than: 24 hours for cartridge filters and 48 hours for adsorptive cartridge filters. If the filters are then transferred to a separate device to further reduce the volume of perchloroethylene, this treatment shall be done in a system that routes any vapor to a primary control system, with no exhaust to the atmosphere or workroom.
   ii. Dried, stripped, sparged, or otherwise treated, within the sealed filter housing, to reduce the volume of perchloroethylene contained in the filter.
4. Button and lint traps shall be cleaned each working day and the lint placed in a tightly sealed container.
5. All parts of the dry cleaning system where perchloroethylene may be exposed to the atmosphere or workroom shall be kept closed at all times except when access is required for proper operation and maintenance.
6. Waste water evaporators shall be operated to ensure that no liquid perchloroethylene or visible emulsion is allowed to vaporize.

(2) Leak check and repair requirements. The trained operator, or her/his designee, shall inspect the dry cleaning system for liquid leaks and vapor leaks. The district shall provide a leak inspection checklist to the facility. The trained operator, or her/his designee, shall record the status of each component on copies of the checklist.

(A) The dry cleaning system shall be inspected at least once per week for liquid leaks and for vapor leaks, using one of the following techniques:

1. A halogenated-hydrocarbon detector.
2. A portable gas analyzer or an alternative method approved by the APCO.

(B) Any leak that has been detected by the operator shall be noted on the checklist and repaired immediately, and operations ceased if health hazard or nuisance results.

(C) Any leak detected by the district shall constitute a violation of this section.

(3) Environmental training requirements. The facility shall have at least one trained operator within 180 days of rule adoption.

(A) A trained operator shall be the owner, the operator, or another employee of the facility, who successfully completes the initial course of an environmental training program approved by the APCO, to become a trained operator. Evidence of successful completion of the initial course shall be the original record of completion issued pursuant to 17 CCR, Section 93110. Except for the provisions of subsection (e)(3)(C)2., one person cannot serve as the trained operator for two or more facilities simultaneously.

(B) Each trained operator shall successfully complete the refresher course of an environmental training program approved by the APCO, at least once every three years. Evidence of successful completion of each refresher course shall be the date of the course and the instructor's signature on the original record of completion.

(C) If the facility has only one trained operator and the trained operator leaves the employ of the facility, the facility shall:

1. Notify the district in writing within 30 days of the departure of the trained operator.
2. Obtain certification for a replacement trained operator within 3 months, except that a trained operator who owns or manages multiple facilities may serve as the interim trained operator at two of those facilities simultaneously for a maximum period of 4 months, by which time each facility must have its own trained operator.
3. If the district determines that the initial course of an environmental training program is not reasonably available, the district may extend the certification period for a replacement trained operator until 1 month after the course is reasonably available.

(f) Equipment. The owner/operator shall not operate dry cleaning equipment after rule adoption, unless the following requirements are met:

(1) Prohibited Equipment. The owner/operator shall not operate any of the following types of dry cleaning equipment.

(A) A transfer machine, including any reclaimer or other device in which materials that have been previously dry cleaned with perchloroethylene are placed to dry.

(B) A vented machine.

(C) A self-service dry cleaning machine.

(2) Required Equipment. The owner/operator of each new or existing facility shall meet the applicable requirements as follows:

(A) For an existing facility:
1. A closed loop machine with a primary control system consisting of a refrigerated condenser.
2. A converted closed loop machine with a primary control system consisting of a refrigerated condenser.

(B) A new facility shall install, operate, and maintain the required equipment as follows:
1. A closed loop machine with a primary control system consisting of a refrigerated condenser with a secondary control system.

(3) Specifications for Required Equipment. Required equipment shall meet the following specifications:

(A) A primary control system shall:
1. Operate during both the heated and cool-down phases of the drying cycle to reduce the mass of perchloroethylene in the recirculating air stream.
2. Not exhaust to the atmosphere or workroom.
3. Not require the addition of any form of water to the primary control system that results in physical contact between the water and perchloroethylene.
4. Be capable of achieving and maintaining for 3 minutes, an outlet vapor temperature, downstream of any bypass, of less than or equal to 45°F (7.2°C) within 10 minutes of initiation of cool-down, with at least a 20°F (11.1°C) efficiency.
5. Have a graduated thermometer with a minimum range from 32°F to 120°F (+/-2°F), which measures the temperature of the inlet vapor stream and outlet vapor stream downstream of any bypass of the condenser, and is easily visible to the operator.

(B) A secondary control system shall:
1. Be designed to function with a primary control system or be designed to function as a combined primary control system and secondary control system that meets all of the applicable requirements of this section.
2. Not exhaust to the atmosphere or workroom.
3. Not require the addition of any form of water to the secondary control system that results in physical contact between the water and perchloroethylene.
4. Use a technology that has been demonstrated to achieve a perchloroethylene concentration in the drum of 300 ppmv or less.
5. Have a holding capacity equal to or greater than 200 percent of the maximum quantity of perchloroethylene vapor expected in the drum prior to activation of the system.

(g) Water-repelling and Dip Tank Operations. No person shall perform water-repelling or dip tank operations unless all of the following requirements are met:

(1) All materials to be treated with perchloroethylene water-repelling solutions shall be treated in a closed-loop machine, a converted machine, or a dip tank.

(2) For dip tank operations:

(A) The dip tank shall be fitted with a cover that prevents the escape of perchloroethylene vapors from the tank and shall remain covered at all times, except when materials are placed in and removed from the dip tank or while the basket is moved into position for draining.
(B) After immersion, the materials shall be drained within the covered dip tank until dripping ceases.
(C) All materials removed from a dip tank shall be immediately placed into a closed-loop machine or a converted machine for drying and not removed from the machine until the materials are dry.

(h) Compliance. A facility shall comply with all provisions of this section as follows:
(1) Within 30 days of rule adoption.
(2) For compliance with subsection (e)(3) "Environmental Training Requirements", an alternative date of compliance shall apply if the district determines that the initial course of an environmental training program for perchloroethylene dry cleaning operations is not reasonably available.
(A) If the initial course is not reasonably available within 12 months of the effective date of this control measure in the district, the alternative date of compliance for subsection (e)(3) only shall be 6 months from the date the district determines that the initial course is reasonably available.

Section 469: **Air Toxics Control Measure for Emissions of Toxic Metals from Non-Ferrous Metal Melting**

(a) Requirements. No person shall operate a non-ferrous metal melting furnace unless the facility is in compliance with all the requirements specified in subsections (a)(1) through (a)(3).

(1) Emission Collection System

(A) All emission points shall be equipped with an emission collection system designed and operated according to criteria specified in section 240.5 (7). The design criteria and operating parameters shall be specified as conditions of the authority to construct and the permit to operate granted by the district to the source for the equipment.

(B) Good operating practices shall be used by the facility, and demonstrated through a maintenance plan or procedures approved by the district, to maintain air movement and emission collection efficiency by the system consistent with the design criteria for the system. The maintenance plan shall specify at a minimum the following:
(i) Maximum allowable variation from designed values of operating parameters, such as air velocity in the hood and ducts and pressure drop across the control device.

(ii) Areas to be visually inspected, such as the clean side of the baghouse and ducts operating under positive pressure, and the required frequency of such inspections.

(iii) Methods of documenting compliance with these requirements such as a log of such inspections and records of observations and measurements.

(2) Process Emission Control. The gas stream from the emission collection system required by subsection (a)(1) shall be ducted to a particulate matter control device meeting the requirements of this section.

(A) The particulate matter control device shall reduce particulate matter emissions by 99 percent or more.

(B) The temperature of the gas stream entering any particulate matter control device that is part of an emission collection system shall not exceed 360 degrees F. A device to be used for making this measurement shall be maintained at the facility and shall be made available to a district representative upon his or her request.

(C) The owner or operator of the facility shall demonstrate compliance with subsection (a)(2)(A), by conducting an initial source test to verify the 99 percent reduction in particulate matter as determined by means of an emissions test conducted in accordance with ARB Test Method 5. The district Air Pollution Control Officer or Executive Officer may require additional source testing to verify continued compliance, or when the process is changed. Particulate matter reduction shall be calculated using the following equation:

$$\frac{[\text{Mass in} - \text{Mass out}]}{\text{Mass in}} \times 100 = \text{particulate matter reduction}$$

where: Mass in = Mass of particulate matter at the inlet to the control device
Mass out = Mass of particulate matter at the outlet of the control device
Mass = Sum of filter catch, probe catch, impinger catch, and solvent extract.

(D) Testing Access. The owner or operator of any facility subject to subsection (a)(2) of this regulation shall provide access and sampling ports sufficient to perform testing in accordance with ARB Test Method 5. Ducts and stacks shall have sampling ports so placed as to satisfy minimum requirements for Method 5 testing with regard to flow disturbances, or acceptable alternative requirements as approved by the APCO.

(3) Fugitive Emission Control

(A) No activity associated with metal melting at a facility including furnace operation, casting, emission control system operation, and the storage, handling, or transfer of any materials (except new sand), shall discharge into the air any air contaminant, other than uncombined water vapor, for a period aggregating more than three minutes in any hour which is:

(i) Half as dark or darker in shade as that designated as Number 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than smoke as described in subsection (a)(3)(A)(i) or 10% opacity.

(B) Dust-forming material including, but not limited to, dross, ash, or feed material shall be stored in an enclosed storage area or stored in a manner which meets the requirements of subsection (a)(3)(A).

(C) Material collected by a particulate matter control system shall be discharged into closed containers or an enclosed system that is completely sealed to prevent any dust from getting out.

(D) Surfaces that are subject to vehicular or foot traffic shall be vacuumed, wet mopped, or otherwise maintained in accordance with a district-approved maintenance plan. The plan shall specify, at a minimum: the areas to be cleaned, the method to be used, the required frequency of the cleaning activities, and a method of documenting the completion of the required activities. The plan shall be designed and carried out in a way which will meet the requirements of subsection (a)(3)(A).

(B) Exemptions

(1) Small Quantity Exemptions. Facilities are exempt from subsections (a)(1), (a)(2), and (a)(3) if they meet either of the following conditions:

(A) melt a total of no more than one ton per year of all metals, or

(B) melt no more than the listed quantities of any one of the specific metals listed in Table I.

Table I

Metal	Exemption Limit (tons/year)
Pure Lead	400
Hard Lead	200
Aluminum Scrap	125
Aluminum Ingot containing more than 0.004 percent cadmium or 0.002 percent arsenic	125
Solder	100
Zinc Scrap	30
Copper or copper-based alloys (except scrap) containing more than 0.004 percent cadmium or 0.002 percent arsenic	30
Type Metal (lead for linotype machines)	25

(i) For facilities melting more than one of the metals listed in Table I, eligibility for exemption shall be determined using the following calculation:

For each metal listed in table I, divide the quantity melted by the specific exemption limit listed. Sum the resulting fractions for all the metals. If the sum does not exceed 1.0, the facility qualifies for exemption under subsection (b)(1).

(2) Metal or Alloy Purity Exemption. Facilities or furnaces which do not melt scrap, except clean aluminum scrap, and which melt a metal or alloy (other

than the metals listed in Table I) which is shown by the facility operator to have a content of no more than 0.004 percent of cadmium and no more than 0.002 percent of arsenic, are exempt from subsections (a)(1), (a)(2), and (a)(3). A facility granted an exemption under subsection (b)(1)(B) may also be granted exemption for all metals that meet the purity limits in this subsection.

(3) Clean Aluminum Scrap Exemption. Furnaces used exclusively to process clean aluminum scrap or a mixture of clean aluminum scrap and aluminum ingot to produce extrusion billet are exempt from subsections (a)(1) and (a)(2).

(4) Exemption for Aluminum Furnaces. The combustion chamber in a reverberatory furnace is exempt from the requirements of subsections (a)(1) and (a)(2) if the furnace meets both of the following conditions:

(A) The furnace is used solely to produce aluminum and aluminum-based alloys, and

(B) The furnace is constructed with a charging well or similar device in which feed is added to molten metal in a separate chamber.

(5) Aluminum Pouring Exemption. Ladles, launders or other equipment used to convey aluminum from a melting or holding furnace to casting equipment is exempt from the requirements of subsections (a)(1) and (a)(2).

(C) Compliance Schedule

(1) Application for exemption from control requirements. Facilities seeking exemption under subsections (b)(1) or (b)(2) or (b)(3) shall apply and submit evidence of eligibility for exemption to the district no later than six months after the district adopts regulations enacting this control measure.

(2) Emission control requirements. Facilities subject to this section shall apply to the district for an authority to construct the emission collection system and the air pollution control equipment necessary to comply with subsection (a) no later than 12 months after the district adopts the regulations enacting this control measure. These facilities shall be in compliance no later than 24 months after the district adopts the regulations enacting this control measure.

(D) Recordkeeping

(1) Facilities subject to subsection (a) shall maintain on site for a period of two years, and make available to a district representative upon request, a record of:

(A) The results of any source testing required by the district to demonstrate that the particulate matter control device(s) are operating as required by subsection (a)(2)(A).

(2) Facilities seeking exemption under subsections (b)(1) or (b)(2) or (b)(3) shall maintain for two years a record of the amount and type of metal processed in those furnaces including results of analyses as required to support exemption under

subsection (b)(2). These records shall be made available to a representative of the district upon request.

(E) Applicable Material Testing Methods.

One of the following methods or an alternate method deemed acceptable by the district APCO or by the Executive Officer of the Air Resources Board shall be used.

Sampling for these methods shall comply with ASTM E 88-58 (1986), "Standard Practice for Sampling Nonferrous Metals and Alloys in Cast Form for Determination of Chemical Composition".

(1) To determine the composition of alloys defined in section 240.5 (1) and to determine the cadmium content of aluminum alloys to evaluate eligibility for exemption under section (b)(2) one of the following shall be used:

(A) ASTM E 227-67 (1982), "Standard Method for Optical Emission Spectrometric Analysis of Aluminum and Aluminum Alloys by the Point-to-Plane Technique";

(B) ASTM E 607-90, "Standard Test Method for Optical Emission Spectrometric Analysis of Aluminum and Aluminum Alloys by the Point-to-Plane Technique, Nitrogen Atmosphere"; or

(C) ASTM E 1251-88, "Standard Test Method for Optical Emission Spectrometric Analysis of Aluminum and Aluminum Alloys by the Argon Atmosphere, Point-to-Plane, Unipolar Self-Initiating Capacitor Discharge".

(2) To determine alloy composition as defined in sections 240.5(13) and 240.5(22), ASTM E 117-64 (1985), "Standard Method for Spectrographic Analysis of Pig Lead by the Point-to-Plane Technique" shall be used.

(3) To determine alloy composition as defined in section 240.5(25), ASTM E 46-87, "Test Method for Chemical Analysis of Lead- and Tin-Base Solder" shall be used.

(4) To determine cadmium concentration in zinc and zinc alloys to evaluate eligibility for exemption under section (b)(2), ASTM E 536-84 (1988), "Standard Test Method for Chemical Analysis of Zinc and Zinc Alloys" shall be used.

(5) To determine cadmium concentration in copper and copper-based alloys to evaluate eligibility for exemption under section (b)(2), ASTM E 53-86a, "Standard Test Methods for Chemical Analysis of Copper" shall be used.

(6) To determine arsenic concentration in copper or copper-based alloys to evaluate eligibility for exemption under section (b)(2), ASTM E 62-89, "Standard Test Method for Chemical Analysis of Copper and Copper Alloys" shall be used.

(7) To determine arsenic content in aluminum or zinc (or any other alloy in which determination of arsenic by spectrochemical methods is compromised by interference) to evaluate eligibility for exemption under section (b)(2), EPA method 7061 (Revision 1, December, 1987), "Arsenic (Atomic Absorption, Gaseous Hydride)", published in U.S.EPA Test Methods for Evaluating Solid Waste Physical and Chemical Methods. First Update (3rd Edition), January, 1988; EPA/530/SW-846.3-1; PB 89-14876, shall be used in the following manner.

(A) For aluminum alloys, sample digestion shall employ the hydroxide digestion technique given in appendix A to this control measure.

(F) Alternative Compliance Option.

The APCO may approve an alternative approach to compliance proposed by the facility operator, if the facility operator demonstrates to the satisfaction of the district Executive Officer or APCO that the alternative is enforceable, achieves the same or better reductions in emissions and risk, and achieves these reductions within the same time period as required by this airborne toxic control measure. The alternative approach shall also be consistent with the federal Clean Air Act. The district shall revoke this approval if the facility operator fails to adequately implement the alternative approach or the alternative approach does not reduce emissions as required. The district shall notify the state board whenever it proposes to approve an alternative approach to compliance to this airborne toxic control measure.

NOTE:
Authority cited: Sections 39600, 39601, 39650, 39655, and 39666, Health and Safety Code.
Reference: Sections 39650 and 39666, Health and Safety Code.

APPENDIX A

Digestion of Metal Aluminum Sample for Determining As

1. Introduction: Metal Aluminum cannot react with nitric acid or concentrated sulfuric acid. It can dissolve in dilute sulfuric acid or hydrochloric acid. Active hydrogen, generated during the acid digestion process, will reduce arsenic to AsH_3, which will escape from solution, resulting in a low or negative arsenic value. The proposed method sets up a protocol to dissolve metal alumina without loss of arsenic.

2. Reagent: 3M NaOH, 10% $HgSO_4$ Solution, 30% H_2O_2
1:1 H_2SO_4, Concentrated HNO_3, Tiling Copper

3. Procedure:

3.1 Dissolve

3.1.1 Dissolve using NaOH (Method 1)
Weigh 0.5g of metal aluminum sample to a 125ml Erlenmeyer flask, add 15 ml of 3M NaOH solution, allow to react and dissolve about 20 min. Again add 10ml of 3M NaOH, continue reaction until no gas bubbles are present and the sample is dissolved completely.

3.1.2. Dissolve using $HgSO_4$ (Method 2)
Weigh 0.5g of metal Aluminum sample to a 125ml Erlenmeyer flask, add 10ml of 10% $HgSO_4$ solution and 5ml of 30% H_2O_2. After 20 minutes, add appropriate amount of $HgSO_4$. Allow reaction to continue until no gas bubbles are present. Add metal copper strips (large surface area) into the sample solution. After 10 minutes, withdraw the copper strips and add new copper strips. Repeat until the surface of copper strips in sample solution do not change to a silver color. Withdraw all copper strips from sample solution.

3.2. Digestion:
Add 3ml of concentrated HNO_3, 5ml of 1:1H_2SO_4 into the sample solution obtained from 3.1.1 or 3.1.2. Heat slowly and evaporate the sample solution until SO_3 fumes are present for 5 minutes. Cool and dilute the sample to 50.0ml. Determined As by Atomic Absorption method.

CHAPTER III, MAINTENANCE, MALFUNCTION, EVASION AND INSPECTION
ARTICLE I MAINTENANCE

Section 500: Maintenance and scheduled outage of abatement or control equipment during process operations shall be allowed under these rules and regulations provided permitted emission limits are not exceeded, and all applicable federal requirements including any permit requirement is met. Each scheduled maintenance event shall be reported to the Air Pollution Control Officer at least twenty-four (24) hours prior to the scheduled shutdown and completed with reasonable speed. The Air Pollution Control Officer may require in writing a full report on such occurrences if the nature of the emissions, complexity of the operation, or length of shutdown warrants. Any discretion exercised under this section by the APCO shall not impede, or otherwise interfere with the ability of the EPA, or citizens, to bring an enforcement action or suit under the Clean Air Act.

CHAPTER III
ARTICLE II MALFUNCTION

Section 510: The APCO shall use reason and experience to determine if excess emissions resulting from an upset or breakdown are beyond the reasonable control of the source operator, and provided all conditions specified in subparagraphs A-J are met by the source, the APCO shall not pursue an enforcement action for excess

emissions resulting from an upset or breakdown:

A. The excess emissions did not result from operator error or improper operating or maintenance procedures;

B. Steps are immediately taken to correct the condition leading to the excess emissions and to minimize the emission itself;

C. The breakdown is reported to the District within one (1) hour, a method of continued contact is established, emissions are characterized, and the estimated time for repairs is reported as soon as possible thereafter;

D. The equipment is operated for no more than twenty-four (24) hours;

E. All possible steps are taken to minimize the impact of the excess emissions on ambient air quality;

F. The excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance;

G. The excess emissions do not contribute to nor cause the violation of any state or federal ambient air quality standard;
H. Nor has the District recorded a violation of any state or federal ambient air quality standard during the past year for which any excess emission air pollutant or precursor is excessive;

I. A public nuisance or threat to the public health is not likely to, or actually occurs from the excess emissions; and

J. The excess emissions do not occur at a Title V permitted source.

The burden for proving subparagraphs A-J shall be upon the source attempting to come under the provisions of this Section. Any discretion exercised under this section by the APCO shall not impede, or otherwise interfere with the ability of the EPA, or citizens, to bring an enforcement action or suit under the Clean Air Act.

Section 512: Nothing in sections 500 or 510 shall be construed to limit EPA enforcement of federally enforceable requirements under the Clean Air Act. Not withstanding Sections 500 or 510 the granting of a variance by the Hearing Board relief from federal enforcement will not be provided unless the "major source permit" has been modified pursuant to Chapter 12.

CHAPTER III
ARTICLE III EVASION

Section 520: No person shall cause or permit the installation or use of any device of any means which, without resulting in reduction in the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminant which would otherwise violate an air pollution control regulation.

Section 520.1: Exceptions on a case-by-case basis to Rule 520 may be allowed for geothermal steam wells and power plants, provided the following findings are made by the Air Pollution Control Officer:

A. An air aspirator or other devices(s) will be used to lower the emissions level below two hundred and fifty (250) ppmw at the point of emission and undiluted steam in the case of a geothermal well is less than ten thousand (10,000) ppmw.

B. That the well or source in question is located in a secured area and will be posted.

C. The emissions of the geothermal well singularly or when combined with other sources on this or nearby sites are not expected to cause or significantly contribute to an exceed of any ambient air quality standard or cause an ambient hydrogen sulfide level of 0.06 ppm for three (3) minutes at the property line or create a hazard or nuisance for the public.
D. That available control technology can not be applied under the existing circumstances.

Exceptions under this rule shall be authorized in writing by the Air Pollution Control Officer only after a written analysis of the above factors. Notice shall be provided adjoining air districts and nearby residents which are potentially affected by any such exceptions allowed herein and shall be made available to public members requesting such notice.

CHAPTER III
ARTICLE IV INSPECTION

Section 530: **Emission Data and Sampling Access**: The Air Pollution Control Officer or his authorized representative may, upon reasonable written notice, require the owner or operator of any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate, reduce or control the issuance of air contaminants to:

A. Provide the District with descriptions of basic equipment, control equipment and rates of emissions. Where this information does not provide sufficient data to the District to carry out the purposes of Part 4, Division 26 of the Health and Safety Code, or where such information is in question, the Air Pollution Control Officer or his authorized representative may require such other additional information as may be necessary, including process and production data, techniques and flow diagrams.

B. Provide sampling platforms, sampling ports and means of access to sampling locations;

C. Provide and maintain sampling and monitoring apparatus to measure emissions or air contaminants when the Air Pollution Control Officer or his authorized representative has determined that such apparatus is available and should be installed.

Section 531: **Credentials for Entry** The Air Pollution Control Officer shall issue identification cards, with the photograph of the holder and signature of the Air Pollution Control Officer, to such employees of the District who need such credentials for entry as authorized by Section 41510 of the Health and Safety Code.

Section 532: **Request Procedure**

A. When requesting information for determining the amount of air contaminants from non-vehicular sources pursuant to Section 41511 or other sections of the Health and Safety Code, the District shall identify the information requested with sufficient specificity to enable the person to identify the precise information sought. The Air Pollution Control Officer shall give notice in writing that the information provided may be released (1) to the public upon request, except trade secrets, which are not emission data, and (2) to the Federal Environmental Protection Agency, which protects trade secrets as provided in Section 114(c) of the Clean Air Act, as amended in 1970 and in Title 40 of the Code of the Federal Regulations, Chapter 1, Part 2.

B. Any person from whom the District obtains any records whether requested by the District or furnished by a person for some other reason, may label as "trade secret" any part of those records which are entitled to confidentiality under Section 6254.7 of the Government Code (quoted in Section 91000). Written justification for the trade secret designation shall be furnished with the records so designated and the designation shall be a public record. The justification shall be as detailed as possible without disclosing the trade secret; the person may submit additional information to support the justification, information which will, upon request, be kept confidential in the same manner as the record sought to be protected.

C. After preliminary review, the Air Pollution Control Officer may reject a justification as having no merit, in which case the person making the justification shall be promptly notified in writing that the records in question shall, upon expiration of 21 days from the date of the notice, be subject to public inspection unless a justification is received and accepted.

D. An application for approval, accreditation or certification of a motor vehicle emission control device or system shall be deemed a trade secret until such time as the approval, accreditation or certification is granted, at which time the application

shall become a public record, except that estimates of sales volume of new model vehicles contained in an application shall be treated as trade secrets for the model year, and then shall become public records. If an application is denied, it shall continue to be treated as a trade secret but shall be subject to the provision of Section 533.

Section 533: **Trade Secrets**

A. Except as otherwise provided in State law, only those portions of records in the custody of the District which are not emission data and (1) were labeled "trade secret" prior to the adoption of this subchapter, (2) are hereafter specifically labeled as "trade secret" pursuant to State law, or (3) are received from a state or local agency, including an Air Pollution Control Board, with a "trade secret" designation, shall be subject to the procedure set forth in this Section. All other portions of such records shall be available for public inspection.

B. When the District receives a request to inspect any record so labeled which is not emission data, it shall promptly notify the requesting party that (1) such record is designated a trade secret under State law, and if such is the case, under law it cannot be made available; (2) the District has not determined if it is a trade secret, but the justification of the request for confidentiality is enclosed; and (3) if the requesting party considers the justification inadequate, he may so advise the District in writing, setting forth his reasons.

C. Upon receipt of such advice, the District shall (1) promptly review in detail the justification, the challenge to the justification, and the record; (2) determine if the record is in its entirety a trade secret; and (3) promptly notify those persons affected of its decision in writing. If the District withholds the record from inspection, the person requesting it may seek judicial relief under Section 6258 of the Government Code. If the District determines that the record is in any significant part not a trade secret, the District shall send the notice required by this subdivision by certified mail, return receipt requested, to the person designating the information as a trade secret, with an additional notice that the record in question shall be released for inspection to the requesting party twenty-one (21) days after receipt of the notice, unless the District is restrained from doing so by a court of competent jurisdiction.

D. Should the person designating the record as a trade secret seek protection in a court of law, the requesting party may be made a party to the litigation to justify his challenge to the designation.

CHAPTER IV, PERMITS
ARTICLE I AUTHORITY TO CONSTRUCT

Section 600: A written Authority to Construct shall be required to construct, erect, alter or replace any equipment which may cause, potentially cause, reduce, control or eliminate the issuance of air contaminants. A single Authority to Construct may be issued for all components of an integrated system or process. Plans and specifications drawn in accordance with acceptable engineering practices shall be required before issuance of an Authority to Construct.

Section 601: An Authority to Construct shall be valid for a period of one (1) year from the date of issuance, or until a Permit to Operate is required, whichever occurs first. An Authority to Construct may be renewed annually for a maximum period of four (4) years. Any Authority to Construct permit or Determination of Compliance for a geothermal project for which construction has been initiated prior to the fourth annual renewal, may be renewed annually until such time as a Permit to Operate is issued for the project.

Section 602: The Air Pollution Control Officer shall deny an Authority to Construct for any new stationary source or modification of an existing source specified in subparagraph A of this Section unless he determines that the emissions from the new source or modification is not expected to result in the violation or measurable contribution to the continued violation of any local, state or national ambient air quality standard and provided that the best available control technology as defined, or MACT, if applicable, will be used on the contaminant emitting equipment.

A. The Air Pollution Control Officer shall apply the provisions of this Section to:

1. Any proposed new stationary source described in the application for the Authority to Construct which he estimates will emit:

a. More than either twenty (20) pounds per hour or one hundred and fifty (150) pounds per day of nitrogen oxides, organic gases or any air contaminant for which there is a local, state or national ambient air quality standard, except carbon monoxide, or

b. More than either one hundred and fifty (150) pounds per hour or fifteen hundred (1,500) pounds per day of carbon monoxide; or

c. More than twenty seven (27) pounds of lead per day.

2. Any proposed modification of an existing stationary source described in the application for the Authority to Construct that he estimates will emit after modification:

a. More than either twenty (20) pounds per hour or one hundred and fifty (150) pounds per day of nitrogen oxides, organic gases or any air contaminant for which there is a local, state or national ambient air quality standard, except carbon monoxide, or

b. More than either one hundred and fifty (150) pounds per hour or fifteen hundred (1,500) pounds per day of carbon monoxide.

c. More than twenty seven (27) pounds of lead per day.

B. The Air Pollution Control Officer may exempt from the provisions of this Section any new stationary source or modification which he determines:

1. Is a modification which eliminates, reduces or controls air contaminant emissions from an existing source, provided that the emissions of any contaminant from the modified source will not be greater than such emissions were from the existing source, or

2. Will be an addition to, or replacement for, an existing stationary source and will not result in emissions of any air contaminant greater than those from the existing source, or

3. Will have demonstrable basin-wide air quality benefits. Calculations and technical data used by the Air Pollution Control Officer as the basis for granting the exemption shall be made to the Air Resources Board and Environmental Protection Agency, or

4. Will be used exclusively for providing essential public services, including but not limited to hospitals, police and fire fighting facilities, and will employ the best practicable emission control methods and equipment.

Section 602.1: The Air Pollution Control Officer shall deny an Authority to Construct for a new source or a modification of an existing source specified in Section 600 unless he determines that the existing source or modification will operate within all applicable rules and regulations pertaining to the emission of air contaminants.

Section 602.3: **MACT Determinations** The Air Pollution Control Officer shall apply the provisions of this Section to any proposed new, or modified source with estimated (based on proposed throughput and hours of operation), or actual HAP emissions of: ten (10) tons per year of any single HAP; or twenty Five (25) tons per year for two or more HAPs.

Except for sources already regulated by a CAA 1990 section 112(d) MACT standard, the Maximum Achievable Control Technology (MACT) shall be determined and required (if more stringent than required by a BACT determination). This includes an existing source that proposes to add a new process or production unit, or proposes a modification, which has a capital cost exceeding 50 percent of a comparable new process line or unit. Such procedures shall be carried out in accordance with adopted Federal EPA procedures for 40 CFR Part 63.40 through 63.44, or subsequently modified by the Federal EPA.

Section 603: When the Air Pollution Control Officer intends to grant an exemption under subparagraph B of Section 602, he shall publish a notice by prominent advertisement in at least one newspaper of general circulation in the District, and he shall notify in writing the United States Environmental Protection Agency and the California Air Resources Board of his intention. No exemption shall be granted until at least thirty (30) days after the date of publication and notification to the above agencies. In making his decision, the Air Pollution Control Officer shall consider

any comments received, and in the case of exemptions proposed under paragraph B(3) of Section 602, a condition of a decision to grant an exemption shall be at the concurrence of the California Air Resources Board and the United States Environmental Protection Agency. In the absence of written notice by the Air Resources Board or the Environmental Protection Agency within thirty (30) days from the date of publication, the Air Pollution Control Officer may assume their respective concurrence.

Section 604: Notwithstanding the criteria specified in paragraph A of Section 602, the Air Pollution Control Officer may apply the provisions of this Article to any new or modified stationary source if, in his opinion, the emissions from the source might result in a violation or a measurable contribution to the continued violation of any local, state or national ambient air quality standard.

Section 605: Before granting or denying an Authority to Construct for any stationary source or modification subject to the provisions of this Article, the Air Pollution Control Officer shall:

A. Require the applicant to submit information sufficient to describe the nature and amount of emissions, location, design, construction and operation of the source, and to submit any additional information necessary to make the analysis required by this Article.

B. Require the applicant to submit any projected expansion plans for the stationary source described in the application for the Authority to Construct for the ten (10) year period subsequent to the date of application for the Authority to Construct.

C. Analyze the effect of the new stationary source or modification on air quality. Such analysis shall consider expected air contaminant emissions and air quality in the vicinity of the new source or modification within the Air Basin and within adjoining air basins at the time the source or modification is proposed to commence operation. Such analysis shall be based on application of existing state and local control strategies.

D. Make available for public inspection at the District office the information submitted by applicant, the Air Pollution Control Officer's analysis of the effect of the source on air quality and the preliminary decision to grant or deny the Authority to Construct. This will include all relevant information except that protected as a trade secret.

E. Publish a notice pursuant to Section 6061 of the United States Government Code in a newspaper of general circulation in the District stating where the public may inspect the information required in Section 605 D, and publish any notice of MACT approval, per 40 CFR Part 63.43, "Maximum Achievable Control Technology" (MACT) determinations for constructed and reconstructed major sources. The public shall have thirty (30) days beginning on the date of publication to submit their comments. Copies of this notice should be forwarded to the United States Environmental Protection Agency, the California Air Resources Board, and all adjoining air pollution control officers in other air basins.

F. Consider the public comments submitted.

Section 605.1: **Geothermal Wells** If after review of the ten-year expansion plan required under Section 605 B, the Air Pollution Control Officer determines that existing air pollution control abatement technology is not sufficient to allow the plan to be implemented in accordance with Sections 602 and 602.1, he shall limit the geothermal project to no more than the first three (3) geothermal exploratory wells each capable of producing ninety thousand (90,000) pounds of steam per hour at free flow of any quality or after the first three (3) geothermal exploratory wells are drilled, cause the cessation of drilling when the cumulative capability of all wells drilled as part of the exploratory project is three hundred and fifty thousand (350,000) pounds of steam per hour. Additionally, exploratory projects shall not be allowed under this Section if they could be expected by the Air Pollution Control Officer to be utilized by a proposed electric power plant for which any application or notice has been filed with the California Energy Resources Conservation and Development Commission. Permits for subsequent wells capable of being part of the same geothermal project shall not be issued until such time as abatement technology sufficient to allow the ten-year expansion plan to be implemented in compliance with Sections 602 and 602.1 is demonstrated.

Section 606: Receipt of an Authority to Construct shall not relieve the owner or operator of responsibility to comply with any applicable local, state or national air pollution rules or regulations.

Section 607: Any Authority to Construct granted pursuant to this Article shall be forwarded to the California Air Resources Board within thirty (30) days of issuance, together with data used by the Air Pollution Control Officer in the air impact assessment process to allow review thereof by the Air Resources Board pursuant to its authority under the Health and Safety Code to review air pollution control district enforcement procedures and actions. In the absence of written notice of nonconcurrence by the Air Resources Board within thirty (30) days from the date of receipt by the Air Resources Board, the Air Pollution Control Officer may assume its concurrence.

Section 608: Notwithstanding Sections 602, 604 and 605 C of the District's rules, the Air Pollution Control Officer shall issue an Authority to Construct or other

required documents to any geothermal power plant development project (power plants, production wells and geothermal fluid transmission lines) which meets the following prescriptive criteria and utilizes the best available control technology:

A. Power plants and geothermal fluid transmission lines must limit on a continuous basis the hydrogen sulfide emission rate to no more than five (5.0) pounds per hour (2.3 kilograms per hour) per one million (1,000,000) pounds per hour of steam flow received;

B. The proposed power plant must be located such that not more than one permitted geothermal power plant (within the District) is closer than six-tenths (0.6) mile and no populated areas (as defined in Chapter 21 of the Lake County Code, Article XXV, Section 21-73.6a(1)) are within one (1.0) mile of the proposed location;

C. Geothermal development wells must limit the hydrogen sulfide emission rate on a continuous basis during air drilling, clean-out, initial testing and reworking to no more than five (5.0) pounds per hour (2.3 kilograms per hour);

D. Wells on stand-by vent shall be located no closer than one half (0.5) mile from a populated area (as defined in Chapter 21 of the Lake County Code, Article XXV, Section 21-73.6a(1)), and emissions shall be no greater than an average of one (1) pound per hour per well based on the number of completed wells for the associated power plant's steamfield;

E. In the judgement of the Air Pollution Control Officer, the facility must be able to readily show compliance with all other rules and regulations limiting emissions of emittants other than hydrogen sulfide; and

F. No individual property owner or legal resident within a one (1) mile radius of the proposed power plant site or one half (0.5) mile from an associated drilling pad makes a request for a New Source Review of the Project under Chapter IV, Article I of the Lake County Air Quality Management District Rules and Regulations.

The Lake County Air Quality Management District shall make proper public notice and reasonable attempts to notify affected parties (in writing) of the intent to issue permits under Rule 608, thirty (30) days prior to such permits being issued. The notice shall include a statement that affected parties may request a detailed New Source Review of the proposed power plant. Permit issuance after the 30 days notice pursuant to this Rule shall be final.

Section 609: **Geothermal Stacking Emissions** The power plant operator and the steam supplier shall jointly, or if the same entity singularly, develop a proposed written plan to limit geothermal steam stacking emissions (as defined in Section 227.5). The proposed plan incorporating the Best Available Control Technology, shall be submitted with the power plant Application for Certification or development

project Authority to Construct(s) prior to the District considering the application(s) complete for District permitting or preparation of a Determination of Compliance purposes. The plan shall: (a) identify the specific technology(ies) proposed to control said emissions; and (b) provide operating procedures for the emissions control system(s), clearly specifying the respective duties of the power plant operator and steam supplier. Upon approval by the Air Pollution Control Officer, the plan shall be incorporated in the Authority to Construct(s), the Determination of Compliance and Permit(s) to Operate for the power plant and geothermal fluid transmission line.

CHAPTER IV
ARTICLE II PERMIT TO OPERATE

Section 610: A Permit to Operate may be required to operate any article, machine, equipment or other contrivance which causes or may cause the issuance of an air contaminant.

Section 611: Applicants for a Permit to Operate shall submit the following information:

A. Name, address, owner and nature of business.

B. Name of person authorized to receive requests for data and information.

C. A description of the production process and a related flow chart.

D. A plot plan showing the location and height of all air contaminant sources. The plot plan shall also indicate the nearest residential or commercial property.

E. Type and quantity of fuels used or wastes consumed.

F. Amount, nature and duration of air contaminant emissions.

G. Estimated collection efficiency of air pollution control equipment under present or anticipated operating conditions.

H. Amount and method of refuse disposal.

Section 612: Any significant changes in the data required under Section 611 shall be reported in writing to the Air Pollution Control Officer.

Section 613: The Air Pollution Control Officer shall deny a Permit to Operate to any stationary source subject to the requirements of Article I of this Chapter until the source has obtained an Authority to Construct granted pursuant to the provisions of Article I, except as provided in Section 611.

Section 614: The Air Pollution Control Officer shall not grant a Permit to Operate to any stationary source that he determines emits quantities of air contaminants greater than those assumed in the analysis required for the Authority to Construct for the source, unless the Air Pollution Control Officer performs the air quality impact analysis required by Section 605 and determines that the actual emissions from the source may not be expected to result in the violation or a measurable contribution to the continued violation of any local, state or national ambient air quality standard.

A permit system established pursuant to Section 42300 of the Health and Safety Code shall:

A. Insure that the article, machine, equipment or contrivance for which the permit is to be issued shall not prevent or interfere with the attainment or maintenance of any applicable air quality standard.

B. Prohibit the issuance of a permit on the basis of criteria adopted by the District Board unless the article, machine, equipment or contrivance for which a permit is to be issued will comply with all applicable orders, rules and regulations of the District and of the State Board and with all applicable provisions of these Rules and Regulations.

Section 615: The Air Pollution Control Officer shall impose conditions on a Permit to Operate which he deems necessary to ensure that the stationary source will be operated in the manner assumed in making the analysis required by Article I of this Chapter, or Section 611, whichever is applicable. Where appropriate, the Permit to Operate shall include a condition to prohibit a new stationary source from operating concurrently with the operation of an existing source for no more than thirty (30) days.

Section 616: Within thirty (30) days after the granting of a Permit to Operate a source subject to this Rule, the Air Pollution Control Officer shall forward to the Air Resources Board a copy of the permit including conditions imposed upon the source and calculations and support data used in determining that the permit should be granted.

Section 617: Copies of the Permit to Operate application and Air Pollution Control Officer's action shall be forwarded to the Air Resources Board to allow review thereof by the Air Resources Board pursuant to its authority under Health and Safety Code Sections 41500 and 41505 to review District enforcement procedures and actions.

CHAPTER IV
ARTICLE III PERMITS, POSTING AND TRANSFERS

Section 620: **Posting of Permits** Permits shall be posted on the equipment. Posting shall consist of affixing the permit, an approved facsimile, or other approved identification bearing the permit number upon the equipment in such manner as to be clearly visible and accessible. In the event the equipment is so constructed or operated that the Permit to Operate cannot be so placed, the Permit to Operate shall be mounted so as to be clearly visible in an accessible place within twenty-five (25) feet of the equipment, or maintained readily available at all times on the operating premises.

Section 630: **Permit Transfers** An Authority to Construct or Permit to Operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another. If a new owner can prove compliance with the most recent permit conditions as well as all District Rules and Regulations applicable to the previous owner, the Air Pollution Control Officer shall issue a new Authority to Construct or Permit to Operate to the new owner.

Section 631: **Duplicate Permit** A request for a duplicate Permit to Operate or Authority to Construct shall be made in writing to the District within ten (10) days after the destruction, loss or defacement of a Permit to Operate or an Authority to Construct and shall contain the reason a duplicate permit is being requested. A fee of ten dollars ($10.00) shall be paid for a duplicate Permit to Operate or Authority to Construct.

CHAPTER IV
ARTICLE IV PERMIT EXEMPTIONS

Section 640: Permits shall not be required for:

A. Any vehicle as defined in the Vehicle Code.

B. Any structure designed for and used exclusively as a dwelling for not more than four (4) families.

C. Barbecue equipment which is not used for commercial purposes.

D. Orchard or citrus grove heaters described in Section 438 of these Rules and Regulations.

E. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

CHAPTER IV
ARTICLE V SOURCE EMISSION TESTING

Section 650: In the event that emission occurs, or is likely to occur, which is in excess of that allowed by these Regulations, or if the nature of the source of the

emission warrants, emission source testing or emission premise monitoring may be required as follows:

A. The source owner or operator may be required to perform or have performed tests to determine the emission of air contaminants from any source. Tests must be conducted by reputable, qualified personnel and in accordance with good professional practice and acceptable methods. The District may observe such testing at any time and be supplied with a copy of test results in writing, signed by the person responsible.

B. Require the installation of emission monitoring equipment on a permanent basis so the operators of air contamination sources may know the nature and extent of emissions. Record of such monitoring shall be available to the District upon demand. Such monitoring must be done by qualified personnel who use acceptable analytical methods.

C. The District may conduct emission tests on any premise. The owner shall provide necessary holes, stacks, ducts, platforms, ports or other such safe and proper sampling and testing facilities. Any construction required shall be in accordance with the General Industrial Safety Orders of the State of California. If permanent monitoring is deemed necessary, any equipment needed shall be provided and maintained by the owner under the general direction of the District. Copies of any District testing result shall be provided the owner upon request.

D. The owner or operator of any equipment or operational project which requires a permit or is otherwise under the jurisdiction of the Lake County Air Quality Management District and which requires specialized equipment to be utilized by, or available to, District personnel or designated representatives during inspections, testing or monitoring shall make such specialized equipment available to the District, upon request, at no charge to the District or shall reimburse the District for such required use. If such equipment is provided the District, the maintenance of said equipment shall be the permit holder's or owner's responsibility. Alternatively, if the permit holder provides funds to the District for purchase of such equipment, the permit holder will be relieved of any training and maintenance responsibility. For the purpose of this Article equipment shall exclude hard hats, steel-toed shoes, eyeglasses, gloves and hearing protection. Precautions and safety equipment covered herein are those routinely used by operators or required to be used by other regulatory agencies (Cal-OSHA, etc.).

Section 651: Any ambient air quality monitoring, meteorological monitoring or air dispersion testing accomplished in the Lake County Air Basin, or in adjoining air basins, which is intended to be utilized by the District in the permit assessment of a project, proposed within the Lake County Air Basin or in the development of District rules, shall be mutually agreed upon by the Lake County Air Quality Management District and by sponsors of such activities prior to the installation of any equipment intended for such data acquisition. Any data or information so

generated, collected or obtained shall be quality audited, as mutually agreed upon, and provided to the Lake County Air Quality Management District. (Monitoring accomplished by other Air Pollution Control Districts, the State Air Resources Board or Environmental Protection Agency may be excluded from the provisions of this Section as allowed by law or with the approval of the Lake County Air Pollution Control Officer.) The Air Pollution Control Officer may grant approval and agree to accept data for such monitoring and testing program(s) prior to commencement, or may reserve the right to reject data collected without prior approval.

Section 655: **Performance Plan** Compliance with the specified emission(s) limitation(s) resulting from these Rules and Regulations may be established through a protocol or performance plan acceptable to the District. The primary purpose of the performance plan is to facilitate a method of determining compliance, while recognizing that there are variations in process factors (i.e., steam quality) beyond the operator's control which affect emissions, and that continuous source emissions monitoring is not practicable.

The performance plan shall describe the manner in which the abatement system(s) will be operated to meet the specified emission(s) limitation(s) and shall include the following if available:

A. The frequency and method of sampling process parameters and constituents (i.e., steam quality, flow rates, etc.);

B. The frequency and method of determining the amount of abatement achieved by the abatement system(s);

C. The frequency and method of calibration;

D. The frequency and method of emission source testing;

E. Data logging requirements, good scientific practices, detailing actions, changes in calibration, changes in process control, inspections, mishaps, etc.;

F. The locations of all logs and source test records; and

G. A process for notifying and reporting to the District documents which establish compliance with the performance plan.

Each performance plan can be modified by mutual agreement between the District and the operator. Changes to the performance plan shall not take effect until copies of the revised plan(s) are filed at the District office and acknowledged in writing by the District.

Compliance with the approved plan of performance shall constitute compliance with the applicable emissions limitation. Failure to comply with the performance plan shall constitute the basis for enforcement of failure to comply with the applicable emissions limitation.

Any permit holder shall have the right of appeal to the Hearing Board any plan submitted which is either subsequently disapproved or unreasonably modified by the Air Pollution Control Officer.

CHAPTER IV
ARTICLE VI PERMIT FEES

Section 660: The District Board shall provide, by resolution, a schedule of annual fees (see Table 6) to be paid for the evaluation, issuance and renewal of permits to cover the cost of District programs related to permitted stationary sources authorized or required under the provisions of this chapter that are not otherwise funded. Every person applying for or renewing a permit shall pay the fee required by the schedule. Beginning July 1, 1986, the fee schedule shall be adjusted annually in accordance with the California Health and Safety Code 42311 and Section 2212 of the Revenue and Taxation Code to account for changes in the California Consumer Price Index for the preceding year. Any revenues received by the District pursuant to the fees, which exceed the cost of the programs, shall be carried over for expenditure in the subsequent fiscal year, and the schedule of fees shall be changed to reflect that carryover. Unless otherwise specified by a separate renewal fee schedule, renewal fees for the Authority to Construct Permits and Permits to Operate shall be the same as the initial application fee. Said permit renewals shall extend for the same duration as the initial permit and the fee shall be prorated if the renewal permit is needed for less time than the initial permit. In no event shall the fee required of a major source, as defined in Table 6 below, be less than $29.26 per ton of actual regulated pollutant emissions adjusted annually starting on October 1, 1994, using the Consumer Price Index as defined in Title V, Sec. 502, or such other amount established as a minimum permit fee by the Clean Air Act Amendments of 1990.

Section 660.1: **Permit Fee Penalty** The Air Pollution Control Officer shall annually notify permit holders by invoice/letter of fees due for renewal of current permits. If the fee is not paid within sixty (60) days of the invoice mailing date, the fee shall be increased by one-half the amount thereof and the Air Pollution Control Officer shall thereupon promptly notify the permit holder of the increased fee by mail. If the increased fee is not paid within ninety (90) days of the original invoice mailing date, the permit shall be deemed withdrawn and suspended. The Air Pollution Control Officer shall notify the permit holder by mail, and the permit shall be void. Any suspended permit may be reinstated only upon payment in full of all accrued fees and penalties or by filing a new application complete with initial fee. Annual renewal fees will continue to be required until such time as the Authority to

Construct and/or the Permit to Operate cancellation or denial becomes final and all operations involving the stationary source have ceased.

SCHEDULE OF FEES FOR PERMITS
(Adjusted Annually for CCPI, Starting July 1, 1993)*

Category I - Insignificant Sources

Operations estimated by calculation and/or analysis which conform to the insignificant sources as commercial or industrial operations producing essentially no detectable emissions, will not necessarily require a Permit to Operate.
Examples: Markets, small subdivisions, stores, etc.

Authority to Construct Fee:	None
Permit to Operate Fee:	None

Category II - Sources Potentially Emitting Less Than 25 Tons/Year

Operations estimated by calculations and/or analysis to be below twenty-five (25) tons/year potential pollution emissions or which have potential air emittants capable of causing an unusually high nuisance or health impact.
Examples: Hospitals with approved incinerators, bulk oil plants, small gravel operations, etc.

Authority to Construct Fee:	$ 154.62
Permit to Operate Fee:	$ 77.32

Category III - Sources Potentially Emitting 25-100 Tons/Year

Operations judged by calculation and/or analysis which potentially produce pollutant emissions between twenty-five to one hundred (25-100) tons/year.
Examples: Asphalt plants, large gravel operations, concrete batch plants, etc.

Authority to Construct Fee:	$ 541.18
Permit to Operate Fee:	$ 309.25

Category IV - Sources Potentially Emitting More Than 100 Tons/Year and Geothermal Wells

Operations judged by calculation and/or analysis which potentially produce pollutant emissions exceeding one hundred tons/year.
Authority to Construct

Application Fee:	$1,546.25
Renewal Fee:	$1,159.69
Permit to Operate Fee:	$ 773.12

Category V - Geothermal Fluid Transmission Lines

A. Less than four (4) wells attached:
Authority to Construct

Application Fee:	$1,236.99
Renewal Fee:	$ 773.12
Permit to Operate Fee:	$1,236.99

B. Four (4) to sixteen (16) wells attached:

Authority to Construct

Application Fee:	$1,546.25
Renewal Fee:	$1,159.69
Permit to Operate Fee:	$1,546.25

C. More than sixteen (16) wells attached:

Authority to Construct

Application Fee:	$1,932.80
Renewal Fee:	$1,546.25
Permit to Operate Fee:	$1,932.80

Category VI - Major Sources and Geothermal Power Plants

Operations judged by calculation and/or analysis with pollutant emissions exceeding one hundred (100) tons/year.

A. Geothermal Power Plants Equal to or less than ten (10) GMW:

Authority to Construct

Application Fee:	$3,865.61
Renewal Fee:	$2,319.36
Permit to Operate Fee:	$3,865.61

B. Major Sources and Geothermal Power Plants with Emissions Greater than ten (10) GMW:

Authority to Construct

Application Fee:	$9,277.46
Renewal Fee:	$3,092.49
Permit to Operate Fee:	$9,277.46

Category VII - Exempt Public Operation

When a Lake County or city agency within the County constructs a facility which has a potential air pollution emissions problem, no fee will be charged. Although Lake County and city agencies are exempt from permit fees, these public operations are required to conform to customary pollution abatement standards.

Category VIII - Gasoline Retail Service Stations

A. Facilities requiring Phase II vapor recovery systems or having an estimated annual throughput of 440,000 gallons or more of gasoline.

Authority to Construct or Modify and Permit to Operate Fee:

Application Fee:	$131.66+ $26.34 Per Nozzle
Renewal Fee:	$131.66+$13.16 Per Nozzle

B. Gasoline Retail Service Stations exempt from Phase II Vapor Recovery

Authority to Construct or Modify and Permit to Operate Fee:

Application Fee	$131.66
Renewal Fee	$ 65.83

Category IX - Asbestos Control

A. For each demolition and renovation project subject to a notice, plan, or permit application requirements of Section 467, where RACM is present but less than 260 linear feet, 160 square feet or 35 cubic feet, the owner or operator shall pay a fee of $100, for amounts exceeding these quantities a fee of $200 shall be paid.

B. For each Asbestos-Dust-Hazard Mitigation Plan submitted pursuant to the requirements of Section 467, a fee of $50 shall be paid. This fee shall not apply to projects if exempted pursuant to Part V, D, 4.
Note: Section 660 requires annual fee adjustment of Table 6A to reflect CCPI. All permits are subject to yearly renewal. Values shown are adjusted for July 1992. Notwithstanding other District requirements, annual permit fees (Category VIII) shall be due and payable on March 1 of each year and based on the previous calendar year gasoline throughput. Provisions of Section 660 (CCPI Adjustment) shall apply to fees.

Section 660.2: **Cancellation or Denial** If an application for an Authority to Construct or a Permit to Operate is cancelled, or if an Authority to Construct or a Permit to Operate is denied and such denial becomes final, the initial application fee required herein shall not be refunded nor applied to any subsequent application.

Section 660.3: **Miscellaneous Charges** Information, circulars, reports of technical work, and other reprints prepared by the Air Quality Management District, when supplied to other governmental agencies or individuals or groups requesting copies of same, may be charged for by the District in a sum not to exceed the cost associated with reproduction and delivery of such documents. All monies collected shall be deposited to the District treasury to the credit of the District.

Section 660.4: **Ownership Permit Transfer**, Every person submitting an application for modification to account for a Change of Ownership of any District Authority to Construct or Permit to Operate, shall include with the application, a fee equal to the greater of twenty-five dollars ($25.00) or an amount equal to twenty (20) percent of the current application fee for said Authority to Construct or Permit to Operate.

Section 661: **Analysis Fee** Whenever the Air Pollution Control Officer finds that an analysis of the emissions from any source is necessary to determine the extent and amount of pollutant being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and an analysis made by the District or other qualified personnel approved by the Air Pollution Control Officer. The time and materials required for collecting samples, making the analysis and preparing the necessary reports, but excluding the time required in going to and from such premises shall be charged against the owner or operator of said premises in a sum to be determined by the Air Pollution Control Officer (see Table 7). Said sum shall not exceed the actual cost of the work performed and supplies and equipment used.

Section 662: **"Air Toxics Hot Spots Information and Assessment Act of 1987" (Act) Fee** The District shall annually collect from the operators of facilities subject to Health and Safety Code (H&SC) Section 44320, fees reasonably expected to: (a) Recover the anticipated costs to be incurred by the California Air Resources Board (ARB) and Department of Health Services (DHS) to implement and administer the Act as set forth in Health and Safety Code Section 44380; and (b) Recover the anticipated costs incurred by the District to implement and administer the Act including but not limited to the cost of reviewing or preparing the emissions inventory plans, review inventory data, review risk assessments, verify plans and data and prepare facilities prioritization.

The District shall notify and assess the operator of each facility subject to this rule pursuant to the H&SC in writing of the fee due. The fee shall be calculated from the amount determined by the ARB and DHS as their incurred costs plus actual District cost for staff time in accordance with the schedule annually adopted by the state board, unless such other fee specific fee schedule is enacted by the District Board. The fee shall be as indicated below for the 1992 fiscal year, and shall be due by 12/15/92, or as specified on the notice of fees due.

A. Sources with estimated actual emissions equal to, or greater than, ten tons per year for air emissions, as determined to be affected criteria air pollutants by the ARB, to include methane, or identified as a toxic air pollutant pursuant to H&SC 44320 ; $16.20 per ton of annual emissions.

B. Sources subject to H&SC 44320 with estimated actual emissions less than ten tons per year for pollutants which are determined to be criteria air pollutants by the California Air Resources Board or identified as a toxic air pollutant; $100.00. The fee may be reduced to one half this amount if an industry wide survey is completed, or as part of the air toxics inventory the source is placed under permit or is already under a district permit. The source owner shall remit the fee to the District within 60 days after receipt of the notice stating the amount of the fee due or the fee will be considered past due. If the source fails to pay the fee within 60 days of this notice, the District shall assess a penalty of 100 percent of the of the assessed fee. If the operator fails to pay the fee within 120 days after the receipt of the notice, the District may initiate permit revocation proceedings or other legal actions to require the fee be paid and permit application made. Subsequent to fiscal year 1992, the fee and billing shall be incorporated into the normal permit billing.

TABLE 7
SCHEDULE OF FEES FOR SOURCE EVALUATION

The following fees may be applied to sources where it becomes necessary or desirable for the District to perform evaluations, health risk assessments, assist in preparing reports, source emissions evaluation or testing, prepare required toxics reports or plans, or repeatedly monitor a source in response to complaints or violations.

A. The actual cost of staff time plus reasonable overhead charges for equipment and facilities as determined by the Lake County Auditor.

B. The actual cost of laboratory analysis when utilizing a laboratory service as billed by that service.

C. The reasonable costs associated with travel, equipment rental and materials consumed in any test.

CHAPTER IV;
ARTICLE VII PLANS, SPECIFICATIONS, PERMIT REVOCATION

Section 670: The Air Pollution Control Officer, at anytime, may require from an applicant for, or holder of, any permit by these Rules and Regulations, such information, analyses, plans or specifications which will disclose the nature, extent, quantity or degree of air contaminants which are, or may be, discharged by the source for which the permit was issued or applied.

Section 671: If within a reasonable time, not to exceed fifteen (15) days, the holder of any permit willfully fails and refuses to furnish the information, analyses, plans or specifications requested by the Air Pollution Control Officer, such officer may suspend the permit. The Air Pollution Control Officer shall serve notice in writing of such suspension and the reasons therefor on the permittee.

Section 672: The Air Pollution Control Officer shall reinstate a suspended permit when furnished with all requested information, analyses, plans and specifications.

Section 673: Within ten (10) days after receipt of the notice of suspension pursuant to Section 671, the permittee may request the Hearing Board to hold a hearing on whether or not the permit was properly suspended.

Section 674: The Air Pollution Control Officer may request the Hearing Board to hold a hearing to determine whether a permit should be revoked if he finds that the holder of the permit is violating any applicable order, rule or regulation of the District or any applicable rule of Division 26 of the Health and Safety Code.

Section 675: Within thirty (30) days after a hearing has been requested pursuant to Sections 673, 674 or 681, the Hearing Board shall hold a hearing pursuant to Chapter 8, Part 3, Division 26 of the Health and Safety Code.

Section 676: After a hearing, the Hearing Board may do any of the following:

A. Grant a permit denied by the Air Pollution Control Officer.

B. Continue the suspension of a permit suspended by the Air Pollution Control Officer.

C. Remove the suspension of an existing permit invoked by the Air Pollution Control Officer pending the furnishings by the permittee of the information, analyses, plans and specifications required.

D. Find that no violation exists and reinstate an existing permit.

E. Revoke an existing permit if it finds any of the following:

1. The permittee has failed to correct any conditions by the Air Pollution Control Officer.
2. The refusal of a permit would be justified.
3. Fraud or deceit was employed in obtaining the permit.
4. Any violation of Division 26 of the Health and Safety Code, or of any order, rule or regulation of the District.

Section 680: **Denial of Application** In the event of denial of an Authority to Construct or a Permit to Operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons for the denial.

Section 681: Within ten (10) days after notice by the Air Pollution Control Officer of the denial, the applicant may petition the Hearing Board in writing to hold a public hearing on whether or not the permit was properly denied.

Section 682: Within thirty (30) days after a hearing has been requested, the Hearing Board shall hold a hearing pursuant to Chapter 8, Part 3, of the Health and Safety Code (commencing with Section 40800).

CHAPTER V, EMERGENCY CONDITIONS

Section 700: In the event that atmospheric conditions cause a dangerous or potentially hazardous concentration of air contaminants, the Air Pollution Control Officer may instruct persons contributing to air pollution to reduce, or discontinue immediately the emission of air contaminants. A hearing should be held by the Hearing Board within twenty-four (24) hours of such action, or as soon thereafter as practicable.

CHAPTER VI, ORDERS FOR ABATEMENT

Section 800: The Hearing Board vested with all the powers and duties pursuant to Health and Safety Code 42450 and 42451 may, after notice and a hearing, issue an order for abatement whenever it finds that any person is in violation of any order, rule or regulation of the District prohibiting or limiting the discharge of air contaminants into the air. Notice shall be given, and the hearing shall be held

pursuant to Chapter 8, Part 3, and Article 4, Chapter 4, Part 4 of Division 26 of the Health and Safety Code.

CHAPTER VII, PENALTIES, ENFORCEMENT AND CATEGORIES OF VIOLATIONS

Section 900: Pursuant to Section 42400 of the Health and Safety Code (H&SC), any person who violates any order, permit condition of an Authority to Construct or Permit to Operate, rule or regulation of the District, or requirement of the H&SC is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense. In seeking to remedy or penalize a violation the District may use a variety of enforcement methods as allowed in the H&SC, Division 26, Part 4, Chapter 4, Article 3 and may choose to refer alleged violations to prosecutorial bodies of the federal, state, county or city governments. Penalties for violations may be sought by the District by reaching a mutual settlement, filing a civil complaint, or by citation to a court of competent jurisdiction. The District should first endeavor to reach a prompt correction of any alleged violation and mutual settlement of less serious violations with responsible parties consistent with Section 950.

Section 901: Any person who intentionally or negligently violates any order of abatement issued by the District shall be liable for a civil penalty not to exceed twenty five thousand dollars ($ 25,000) for each day in which such violation occurs. (H&SC 42401)

Section 902: **Civil penalties** The civil penalties prescribed below shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by the District Attorney, or by the Attorney for the District in any court of competent jurisdiction. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, economic gain likely to have been realized by the violation, the financial burden upon the defendant, timeliness of and corrective action(s) taken by the defendant, past violations and relevant maintenance record.

(a) Except as otherwise provided in these rules, any person who violates H&SC Section 41700 or 41701; or any order, permit condition of an Authority to Construct or Permit to Operate, rule or regulation of the District, shall be liable for a civil penalty not to exceed one thousand dollars ($1,000) for each day in which such violation occurs. (H&SC 42402)

(b) Any person who negligently emits an air contaminant in violation of any rule, regulation or order of the Air Resources Board or of the District pertaining to emission regulations or limitations shall be liable for a civil penalty of not more than

fifteen thousand dollars ($15,000) for each day in which such violation occurs. (H&SC 42402.1)

(c) Any person who emits an air contaminant in violation of any order, rule, or regulation of the state board or of the District pertaining to emission regulations or limitations, and who knew of the emission and failed to take corrective action within a reasonable period of time, or any person who emits an air contaminant in violation of H&SC 41700 which causes actual injury to the health or safety of a considerable number of persons or the public and who knew of the emission and failed to take corrective action within a reasonable period of time under the circumstances, shall be liable for a civil penalty not to exceed twenty five thousand dollars ($25,000) for each day in which such violation occurs. (H&SC 42402.2)

(d) In addition to the penalties specified in the preceding subsections (a), (b) and (c) the cost of putting out any unauthorized fires may be imposed on any person violating District burning regulations. (H&SC 42400.5)

(e) Any person who knowingly violates any permit condition, or fails to submit a fee or filing requirement of a Title V Permit, or knowingly makes any false material claim, statement, representation or certification in any form or in any notice required of a Title V source, or violates a federally enforceable permit condition, or knowingly renders inaccurate any monitoring device or method required of a Title V source is guilty of a misdemeanor and subject to a fine not to exceed ten thousand dollars ($10,000) for each day in which such violation occurs. (H&SC 42400.4)

Section 950: Categories of Violations used for Corrective Notice, Mutual Settlements, or Formal Enforcement action by the District:

There are five violation categories consistent with the requirements of H&SC 39150(c), 40001, 40071, 42403 and 42420. These Categories 0, I, II, III and IV are used to determine corrective actions necessary and guidance for the settlement of penalty amounts corresponding to the seriousness of the violation under the District's "Minor Violations and the Notice to Comply" and "Mutual Settlement" policies. Guidance policy(s) shall be for the use of the District, and are not intended for use when it is necessary to file a civil action, or criminal complaint, with a competent court of jurisdiction.

(a) Categories of violations are as follows:

CATEGORY 0 minor violations, are those which are primarily procedural, having no noticeable air quality impact, do not effect a determination on compliance with emission limits and do not result in a financial gain or competitive advantage for the party committing the violation; and which are committed through a lack of awareness, neglect or oversight. A Memorandum of Verbal Warning (MOVW), or Notice To Comply (NTC) is used in such instances with emphasis being on prompt

correction and avoidance of repeat violations. The NTC requires a timely written response to be filed with the District and certification of correction.

CATEGORY I violations are those which are primarily procedural, having negligible or a minor air quality impact, and which are committed through neglect or oversight. A Notice of Violation (NOV) is used in such instances.

CATEGORY II violations include those which may involve emissions which exceed maximum allowances (or limits), and therefore may have air quality impacts, and which are committed unintentionally through neglect or oversight. A Notice of Violation (NOV) is generally used in such instances.

CATEGORY III violations include those having air quality impacts and which are committed intentionally or through inexcusable neglect. A Notice of Violation (NOV) is generally used in such instances, but a recalcitrant violator may be issued a direct citation to court.

CATEGORY IV are blatant violations involving intentional wrongdoing, with substantial air quality impacts. A Notice of Violation (NOV) is generally used in such instances, or direct citation to court, or referral to the District Attorney, State Attorney General or other responsible prosecutorial bodies for further investigation and action.
(b) Adopted Board policy on "Minor Violations and the Notice to Comply" shall be used for Category 0. The District will seek to resolve the violation(s) using the adopted Board Policy on "Mutual Settlements" for Categories I through IV.

(c) This Section 950 shall not prevent, or be construed to prevent, cooperation or individual action to enforce a penalty for violations of any rule, regulation, standard, order, permit, state or federal rule or law, by the District, a City Attorney, District Attorney, Attorney General, Air Resources Board, or Federal EPA as determined to be necessary by that party(s).

CHAPTER VIII, AGRICULTURAL BURNING

Section 1000: **Agricultural and Prescribed Burning:** The following Rules and Regulations are adopted in accordance with Section 41863 of the Health and Safety Code and the Air Resources Board's Smoke Management Guidelines for Agriculture and Prescribed Burning, (Title 17, California Code of Regulation).

Section 1001: Except as otherwise provided in these Rules and Regulations, no person shall ignite or cause to be ignited or suffer, allow or maintain any use open outdoor fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of motor vehicle bodies or portions thereof. A burning permit shall be required for agricultural burning and shall contain the

following statement: "This permit is valid only on those days during which agricultural burning is not prohibited by the State Air Resources Board."

Section 1002: **Agencies Authorized to Issue Burning Permits** The agencies listed in Table 8 are hereby designated by the District as having authority to issue non agricultural and agricultural burn permits pursuant to District Rules and Regulations. Procedural guidelines agreed to by the APCO and ratified by the Lake County Fire Chiefs Association shall be utilized for permit issuance.

TABLE 8: AGENCIES DESIGNATED TO ISSUE BURNING PERMITS

1.*California Division of Forestry; Middletown
2.*California Division of Forestry; Kelseyville/Cobb
3. United States Forest Service; Upper Lake
4. Clearlake Oaks Fire Protection District
5. Kelseyville Fire Protection District
6. Lakeport County Fire Protection District
7. Lakeshore Fire Protection District; (City of Clearlake)
8. South Lake County Fire Protection District
9. Upper Lake Fire Protection District
10. Nice Community Service District (Fire Protection District)
11. Lower Lake Fire Protection District
12. Lucerne Recreation and Park District (Fire Protection District)
13. Lake County Building Department (land development clearing)
14.*California Division of Forestry; Clearlake Oaks

*Supervision and control of these offices are at the Lake-Napa Ranger District Headquarters, St. Helena.

Section 1003: **Special No-Burn Day Permit:** The District may issue a special permit to authorize agricultural burning on days designated by the Air Resources Board or the Air Pollution Control Officer as no-burn days if denial of such permit would threaten imminent and substantial economic loss. Economic exemptions shall be issued pursuant to the California Health and Safety code (Sec 41862) and these rules and regulations. The District may place conditions on any permit to promote prompt burning and ensure good dispersion to minimize smoke impact. In reaching a decision to issue a special permit, the District shall also consider expected meteorology, extent of effort expended to accomplish the burn without an exemption, and likely effects on other persons or the public.

Section 1010: The Air Pollution Control Officer shall designate as a “no-burn day", any day designated a "burn day" by the State Air Resources Board if necessary to protect the ambient air quality from substantial degradation, the public health, and violations of ambient air quality standards. Notice of burn day status shall be provided to the public in the normal manner noting the presence of any emergency condition as appropriate. On any day for which conditions of abnormal high temperatures, low relative humidity or high wind velocities are anticipated, or existing wildfires create an extreme potential for uncontrolled fires which may cause violations of any ambient air quality standard, the APCO, after receipt of a recommendation from the Lake County Fire Chiefs Association Burning

Assessment Committee that such extreme fire hazard conditions exist conducive to uncontrolled fire occurrence, should declare such day a no burn day. The Lake County Fire Chiefs Association, Burning Assessment Committee should be designated and the District informed prior to September 1 of each year by the Association. Said Committee shall consist of two Fire Chiefs and one CDF representative. Determination made by the Lake County Fire Chiefs Association Burning Assessment Committee shall be made on a daily basis, and whenever possible the District shall be informed by 3:00 PM of the preceding day. Subsequent to any verbal recommendation or as part of a recommendation by the Committee a brief written report shall be forwarded to the District Board of Directors and APCO setting forth the reason for such recommendation. Economic exemptions shall be issued pursuant to the California Health and Safety code (41862) and Section 1107 of these rules and regulations.

Section 1105: **Burning Hours:** Burning hours for agricultural purposes in the Lake County Air Management District are as follows:

A. Fire season, as defined in Section 226.5, 8 AM through 12 noon unless other hours are authorized by the responsible Fire Agency and District; and

B. Non-Fire Season, 9 AM through 3 PM, except for grass, leaf or field crops which shall be 11 AM through 3PM unless other hours are specified in the issued permit.

Section 1107: **Agricultural Burning During Fire Season:** Agricultural burning may be conditionally permitted during the period of the year defined in Section 226.5 as fire season subject to the following:

1. Reasonable economic need is established by the applicant.
2. By on site inspection, or other means, the responsible fire agency determines that for fire safety the proposed burn is acceptable.
3. The Fire Agency staff directly informs the District of its approval and any condition(s) for the proposed burn, and the responsible person obtains an economic exemption permit from the District.
4. Applicant agrees to notify the fire agency on the day of the burn immediately prior to the burn and to conduct the burn to the extent possible between the hours of 8 AM through 12 noon or at an agreed upon specific time identified in the issued permit.

Exceptions set forth in Section 432 are applicable

Section 1130: **Open Burning in Agricultural Operations in the Growing of Crops or Raising of Animals**: The following regulations shall apply:

A. All burning shall be ignited by approved ignition devices such as fuses, orchard torches, propane torches, pressurized flamethrower-type torches, jellied petroleum

devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

B. All material to be burned shall be free of material that is not produced in an agricultural operation as defined in these Regulations. Tires, tarpaper and other rubbish likely to cause excessive smoke shall not be burned.

C. All material to be burned shall be arranged so that it will burn with a minimum of smoke and be reasonably free of dirt, soil and visible surface moisture.

D. Materials shall be dried as follows:
1. Trees and branches over six (6) inches in diameter: sixty (60) days.
2. Prunings and smaller branches: fifteen (15) days.
3. Field crops, brush and weeds cut in a green condition: seven (7) days.
4. Other materials: drying time will be determined by the designated agency.
5. Designated agencies may modify the above drying times as conditions warrant.

E. The total amount of material that may be burned in each designated district watershed shall not exceed that set forth in Table 9.

F. Maximum care must be taken to keep smoke from drifting into populated areas such as the incorporated cities and their immediate surrounding populace. Wind direction, topography, thermal inversion and population density shall be considered to minimize smoke reaching nearby populated areas.

G. Burning of empty sacks or containers which contained pesticides or other toxic substances may be permitted on "no-burn" days providing the sacks or containers are within the definition of "Open Burning in Agricultural Operations in the Growing of Crops or Raising of Animals" as specified by definition.

Section 1140: **Range Improvement Burning:** The following regulations shall apply to all range improvement burning for livestock, wildlife or range conversion of uncultivated lands, provided public complaints and smoke impact have not historically occurred, nor are they expected to occur, otherwise such burning shall be performed pursuant to Section 1160 Prescribed Burning.

A. After obtaining an agricultural burn permit, range improvement burning may be conducted on no-burn days only after receiving an exemption pursuant to this Chapter. If more than fifty (50) percent of the land has been brush treated, the burn is remote from populated areas, past burning has not caused smoke impacts or public complaint, and the proposed burn is not expected to cause smoke impacts, the District may give consideration to such factors in any decision to grant an exemption for multiple days or require a smoke management plan. The Air Resources Board may prohibit all range improvement burning if, in the opinion of

the Air Resources Board, the prohibition is required for the maintenance of air quality.

B. All burning shall be ignited by approved ignition devices, such as fuses, orchard torches, propane torches, pressurized flamethrower-type torches, jellied petroleum devices, commercial jellied petroleum pumps, commercial grenade devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

C. The total amount of material that may be burned in each designated district watershed shall not exceed that set forth in Table 9.

D. Wastes to be burned shall be free of tires, tarpaper or other types of rubbish likely to cause excessive smoke.

E. Wastes shall be ignited as rapidly as practicable within applicable fire control restrictions.

F. Maximum care must be taken to keep smoke from drifting into populated areas. Wind direction, topography and population density, shall be considered to minimize smoke reaching nearby populated areas.

G. Brush is to be treated at least six (6) months prior to burning if economically and technically feasible.

H. Unwanted trees over six (6) inches in diameter shall be felled and dried at least sixty (60) days.

I. If the burn is to be done primarily for the improvement of land for wildlife and game habitat, the applicant must obtain a statement from the Department of Fish and Game that the burn is desirable and proper. Such statements must be filed with the designated agency and the Air Quality Management District.

J. All material to be burned shall be free of debris or material that is not grown on the property.

TABLE 9
DAILY QUOTA OF AGRICULTURAL MATERIAL
THAT MAY BE BURNED BY WATERSHED

Watershed	Acreage (or Tonnage) per Day*
Clear Lake	5,000 acres (150,000 tons)
Putah Creek	2,000 acres (60,000 tons)
Scotts Creek	2,000 acres (60,000 tons)

* Acreage based on average fuel density of thirty (30) tons per acre. Acreage must be adjusted downwardly in the event the average fuel density exceeds thirty (30) tons per acre. Acreage may be adjusted upwardly if fuel density is less than thirty (30) tons per acre. Adjustment of acreage will be at the discretion of the fire control agency or Control District based on Table 10 "Guides for Estimating Dry Weights of Several California Fuel Types", the air quality and the fire control conditions.

Daily quota is the maximum permissible material that may be burned. Neither the fire control agency nor the Control District is required to allow the maximum amount permissible on any given burn-day.

Section 1145: **Forest Management Burning:** The following regulations shall apply to forest management burning, provided public complaints and smoke impact have not historically occurred, nor expected to occur, otherwise such burning shall be performed pursuant to Section 1160 “Prescribed Burning”:

A. After obtaining an agricultural burn permit, forest management burning may be conducted on burn days, or on no-burn days after receiving an economic exemption pursuant to this Chapter.

B. All forest management burning shall be ignited by approved ignition devices such as fuses, orchard torches, propane torches, pressurized flamethrower-type torches, jellied petroleum devices, commercial jellied petroleum pumps, commercial grenade devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

C. The total amount of material that may be burned in each designated district watershed shall not exceed that set forth in Table 9.

D. Wastes shall be ignited as rapidly as practicable within applicable fire control restrictions.

E. Maximum care must be taken to keep smoke from drifting into populated areas such as the incorporated cities and their immediate surrounding populace. Wind direction, topography, thermal inversion and population density shall be considered to minimize smoke reaching nearby populated areas.

F. Materials to be burned shall be dried for minimum periods as determined by the designated agency.

G. All material to be burned shall be free of debris or material that is not grown on the property.

Section 1150: **Burning of Standing Tule:** The following shall apply to the use of open fires for the burning of standing tule for agricultural or habitat improvement purposes:

A. An Agricultural Burning Permit is required. Burning shall be permitted by special permit issued by the District if desirable meteorology for the duration of the planned burn is anticipated, consistent with C and D below, and economic considerations warrant.

B. The District shall be contacted for concurrence on the date of the planned burn prior to burning, and the District may, when necessary to preserve air quality, elect to delay the burn. In making such a decision to delay, the District shall consider the quantity and condition of tules to be burned, location of burn site, proximity to receptors and prevailing meteorological and ambient air quality conditions. The fire protection agency shall also be notified by the permit holder prior to the burn on the day of the burn.

C. Maximum care must be taken to keep smoke and ash from drifting into residential areas and the immediate surrounding populace. Wind direction, topography, thermal inversion and population density shall be considered by the responsible adult in charge of the fire in an effort to minimize smoke or ash reaching nearby residential areas in any decision to burn.

D. As part of obtaining a permit the applicant shall provide the District a simple map showing the location of the burn and the nearby residential areas, and a statement that the tules to be burned have not been burned during the prior season.

E. The burn shall be ignited as rapidly as practicable within applicable fire control restrictions using an approved ignition device such as an orchard torch, propane torch, pressurized flame thrower-type torch, jellied petroleum device, matches, fuse lighter, commercial fuse, drip torch, diesel sprayer or other such approved device.

F. All material to be burned shall be free of material that is not grown on the property where the tules are to be burned. Tires, tar paper and other rubbish shall not be burned.

Section 1160: **Prescribed Burning, Habitat Improvement Burning, Wildland Vegetation Burning and Forest Management Burning shall be subject to the following:**

A. Any such burning as defined in section 270 shall require an agricultural burning permit unless performed by a fire prevention agency authorized to issue agricultural burning permits and that agency files a plan with the District.

B. Procedures for economic exemption from a designated no burn day shall be as described in Section 1003, but the APCO may additionally consider existing and predicted meteorological conditions effecting the specific planned burning activity and the likelihood of air quality degradation in granting such an economic exemption.

C. All wildland vegetation management burning shall be ignited by a District approved ignition device such as helicopter torches, orchard torches, propane torches, pressurized flamethrower type torches, jellied petroleum devices, commercial grenade devices, matches, commercial fuses, approved fuel blivets, drip torches, diesel sprayers, or other approved devices. Ignition shall be accomplished in a manner to minimize the amount of smoke generation and as rapidly as possible, unless good vegetation management or fire protection practices dictate otherwise.

D. The total amount of all types of agricultural material, inclusive of wildland vegetation management, that may be permitted to be burned on any one day in each designated watershed of the District shall not exceed that set forth in Table 9. The amount of total acreage may be further limited by the District if prevailing meteorology and air quality, or the type of planned burn, threatens serious air quality degradation or violation of Ambient Air Quality Standards.

E. Burning shall be accomplished in a manner to avoid violation of state or federal Ambient Air Quality Standards or the creation of a public nuisance. Maximum care must be taken to keep smoke from drifting into populated areas such as community centers or incorporated areas and their immediate surrounds populace. Wind direction, topography, thermal lapse rate, thermal inversions and population density shall be considered to minimize smoke reaching nearby populated areas, and addressed within a smoke management plans.

F. Materials to be burned shall be in a condition to promote combustion or as specified in the approved smoke management plan (plan).

G. Land on which vegetation is to be burned shall be free of tires, rubbish, tarpaper, construction debris, plastic wastes, or other types of material likely to cause excessive or toxic smoke.

H. Wastes to be burned shall be reasonably free of dirt, soil and visible surface moisture.

I. Planned burns greater in size than 20 acres, or which are likely to have a smoke impact in the District's opinion, or pose a potential danger for escape in the Fire Agency's opinion, or actually have a history of public complaints, shall submit and implement a smoke management plan (one plan may cover several phases of burning in a given area). Burners must obtain district authorization to burn on each day of the burn. To the extent feasible, plans are to be submitted annually six months in advance of the proposed burn detailing the following:

(1) Location, types, and amounts of material to be burned.
(2) Expected duration of the fires from ignition to burn down.
(3) Identification of a responsible person to include address, telephone number, cellular telephone numbers, or other means of prompt contact.

(4) A map of the wildland to be treated showing the location of land to be treated and identification and recognition of smoke sensitive areas.
(5) Identification of meteorological conditions necessary for the planned burning.
(6) The smoke management criteria the land manager or the designee will use for making burn ignition decisions.
(7) Projections, including a map, of where the smoke from burns is expected to disperse for both day and night.
(8) The land manager or designee conducting a prescribed burn, shall obtain the concurrence of the District and ensure that conditions and requirements contained in the smoke management plan are met and expected to continue to be met for the duration of the planned burn at the time of ignition.
(9) If the planned prescribed burn is greater than 100 acres, or in the District's opinion has a likelihood of causing smoke impacts, items 1-8 above plus the following shall be included in the plan: (a) identification of specific contingency actions (such as fire suppression or containment) that will be taken if smoke impacts occur or meteorological conditions deviate from those specified in the smoke management plan; (b) daily contact with the District prior to ignition and during each day of burning shall be made by the land manager or designee; (c) a statement that alternatives to burning have been considered and determined not to be feasible; (d) public notification procedures to be utilized; and (e) identification of appropriate monitoring to include visual monitoring, ambient particulate matter monitoring, or other monitoring, as approved, or required by the District.
(10) If the planned prescribed burn is greater than 250 acres or a multi-day fire (it is not expected to burn down overnight) items 1-9 above plus: (a) the District will provide notice to the ARB and consult with the ARB on procedures for ARB review and approval; (b) the ARB shall have the right to disapprove any burn approved by the District prior to ignition; and (c) the land manager or designee shall perform and file in conjunction with the District a post-burn smoke management evaluation within 7 days of the fire.

J. For burns on which a smoke management plan has been reviewed and approved by the ARB, and after request by a designated agency, seven days in advance of any planned burn, the State of California Air Resources Board on a case by case basis, may issue wildland vegetation management no-burn or permissive burn notices 48 hours in advance of such planned burning. Notwithstanding such advanced notice the ARB shall cancel permissive burn notices issued more than 24 hours in advance if the cancellation is necessary to maintain suitable air quality (i.e. no AAQS violations).

K. For all wildfires, if a land manger chooses to treat a wildfire as a prescribed burn, the land manager or responsible official shall: 1) first submit to the responsible Fire Agency and District a statement that the wildfire is considered safe and manageable as a prescribed burn and that it is desirable to manage the wildfire as a prescribed burn, as allowed by California Code of Regulation – Title 17; 2) immediately request from the state Air Resources Board permission to continue to treat the initial wildfire as a managed prescribed burn; and 3) ensure full compliance

with California Code of Regulation – Title 17 throughout the burn including submittal of a smoke management plan as required by Title 17 section 80160(I).

Section 1170: **Wood Waste Burning from Tree Crop or Land Use Conversion:** The following shall apply to the use of open fires for the disposal of wood waste from property being developed for agricultural use, or tree crop removal burning, purposes:

A. All burning shall be ignited by approved ignition devices such as fuses, orchard torches, propane torches, pressurized flamethrower-type torches, jellied petroleum devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

B. All material to be burned shall be free of material that is not produced in the clearance or grown on the property where the waste is to be burned. Tires, tarpaper and other rubbish likely to cause excessive smoke shall not be burned.

C. All material to be burned shall be arranged so that it will burn with a minimum of smoke and be reasonably free of dirt, soil and visible surface moisture.

D. Material shall be dried as follows:
1. Trees and branches over six (6) inches in diameter: sixty (60) days.
2. Vines and brush: thirty (30) days.
3. Prunings and smaller branches: fifteen (15) days.
4. Designated agencies may modify the above drying times as conditions warrant.

E. The total amount of material that may be burned in each designated district watershed shall not exceed that set forth in Table 9.

F. The burn shall be ignited as rapidly as practicable within applicable fire control restrictions.

G. Maximum care must be taken to keep smoke from drifting into populated areas such as the incorporated cities and their immediate surrounding populace. Wind direction, topography, thermal inversion and population density shall be considered to minimize smoke reaching nearby populated areas.

H. Unwanted trees over six (6) inches in diameter shall be felled and dried at least sixty (60) days.

I. Brush must be crushed, uprooted or desiccated with herbicides at least six (6) months prior to burning if economically and technically feasible.

J. An Agricultural Burning Permit (Land Clearing Permit) is required, and is valid only on burn days.

TABLE 10
GUIDES FOR ESTIMATING DRY WEIGHTS OF SEVERAL CALIFORNIA FUEL TYPES

Code #	Fuel Types Material	Total Dry Weight (tons/acre)
1	Grass	2
2	Grass and scattered sage	4
3	Mature timber (little chopping)	30
4	Bear Clover	8
5	Open Manzanita	10
6	Timber - medium reproduction an brush	15
7	Light to medium chemise - Southern California	6
8	Brush mixture with sage	12
9	Medium brush - in cut-over or timber burn	20
10	Mixed Douglas Fir - White Fir with brush and rep.	40
11	Medium brush and oak - Southern California	15
12	Heavy pure manzanita, chemise or buck brush	25
13	Heavy mixed brush	30
14	Heaviest mixed brush	35
15	Second growth - medium poles	20
16	Slash in cut-overs *	See items 1-4 below
17	Woodland - little chopping	3
18	Prunings	3
19	Miscellaneous	To be estimated

* Dry weights of slash in cut-overs (fuel type 16)			Total Dry Weight
1.	Hand piles	6' x 6' x 6'	1 ton
2.	Machine Piles	15' x 15' x 15'	6 tons
3.	Log decks	32' x 15' x 10'	60 tons
4.	Patch cut areas:	Light	60 tons/acre
		Medium	90 tons/acre
		Heavy	150 tons/acre

Section 1500: **Enforcement** Any person who knowingly sets or engages in agricultural burning without obtaining an agricultural burning permit is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense.

CHAPTER IX, HEARING BOARD
ARTICLE I HEARINGS

Section 1600: **Public Hearings** The Hearing Board shall hold a public hearing as hereinafter provided before issuing, modifying or revoking any order of abatement

or variance. All hearings shall be held at a site which is readily accessible to the public.

Section 1601: **Notice** Notice of a public hearing to consider an application for a variance, other than an emergency hearing called pursuant to Chapter V or a ninety (90) day variance hearing, shall be published at least once in a newspaper of general circulation in the District, not less than fifteen (15) days prior to the hearing date. Written notice shall be mailed by first class mail to any party requesting notice of a hearing. In the case of a hearing to consider an application for a variance other than an emergency or interim variance, notice shall be served upon the air pollution control officer, the applicant or permittee, the Air Resources Board and the Environmental Protection Agency no less than fifteen (15) days prior to the hearing.

Section 1602: **Petition Procedures** Requests for hearings shall be initiated by the filing of a petition or application for a variance with the Clerk of the Hearing Board, and the payment of a nonreturnable fee of one hundred dollars ($100.00) or as provided for in Sections 1620 and 1736 of these Rules and Regulations. Service of a copy of the petition shall be made on the Air Pollution Control Officer and on the holder of the permit or variance, if any, involved. Service may be made in person or by mail, and service may be proved by written acknowledgement of the person served or by the affidavit of the person making the service.

CHAPTER IX
ARTICLE II DECISIONS AND TRANSCRIPTS

Section 1610: **Decisions** The Hearing Board shall submit its decision in writing together with the reasons therefor to its Clerk and all parties requesting a notice.

Section 1611: **Effective Date** The decision of the Hearing Board shall become final thirty (30) days after it is filed with the Clerk, unless either of the following occurs:

A. A rehearing is granted by the Hearing Board.

B. The Hearing Board orders that it be made effective sooner.

Section 1612: **Transcripts** A complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the Hearing Board and shall be delivered to the petitioner within thirty (30) days after a request therefor by him upon payment of the fee specified in Section 69950 of the Government Code for the transcript, the cost of preparation of other portions of the record, and for certification thereof.

CHAPTER IX
ARTICLE III FEES

Section 1620: Applicant shall pay the fee as set forth in the appropriate resolution of the Hearing Board for the calling of a special meeting of the Hearing Board.

CHAPTER X, VARIANCES
ARTICLE I INTERIM VARIANCE

Section 1700: An applicant for a variance who desires to commence or continue operations pending a decision of the Hearing Board may apply and may be granted an Interim Variance for good cause.

A. An Interim Variance shall not be valid beyond the date of decision of the Hearing Board, or for more than ninety (90) days from date of its issuance, whichever occurs first.

B. An Interim Variance shall not be granted if Notice of Hearing has been given, or if it was sought to avoid notice and hearing requirements as set forth in this Chapter.

Section 1701: **Petition** A petition for an Interim Variance shall conform to the following:

A. Name, address and telephone number of Petitioner, or other party authorized to receive services of Notices.

B. Petitioner's status: individual, partnership, association, corporation, or other entity; names and addresses of partners, officers or authorized manager.

C. Brief descriptions of any article, machine or equipment involved.

D. Type of business or activity involved and status of operations.

E. Type of action desired.

F. Signature of Petitioner or person authorized to sign, together with such authorization statement.

G. Regulations involved under which Permit was granted in Petition for Revocation and a brief statement of facts constituting the alleged violation.

H. Request and alleged refusal resulting in suspension of permits, and brief statement as to why requested information was not furnished; whether such information was pertinent; and if so, when it will be furnished in a Petition for Reinstatement of Suspended Permits.

I. Facts stating why compliance with this section, regulation or order is unreasonable.

J. Period of time for which variance is sought, and why such a period is requested.

K. Damage or harm resulting, or which would result, to the Petitioner from compliance with District regulations or order.

L. A final compliance date and increments of progress schedule.

M. Advantage or disadvantage to the residents of the District resulting from requiring compliance or resulting from granting a variance.

N. If granted, assurance that the operations under said variance would not constitute a nuisance.

O. Whether or not any case involving the same identical equipment or process is pending in any court.

P. All Petitions shall be typewritten, double spaced, on legal or letter-sized paper, and on one side only, and with a one (1) inch margin at top and left side of each sheet.

Q. All petitions for variance shall include an excess emissions estimate(s) complete with calculations utilized to determine those excess emissions.

CHAPTER X
ARTICLE II VARIANCE

Section 1710: No variance shall be granted unless the Hearing Board makes all of the following findings:

A. The Variance is not, or will not be, in violation of the applicable provisions in this Chapter, or of any rule, regulation or order of the District.

B. Due to conditions beyond the reasonable control of the Petitioner, requiring compliance would result in (1) an arbitrary or unreasonable taking of property, or (2) the practical closing and elimination of a lawful business.

C. That such closing or taking would be without a corresponding benefit in reducing air contaminants.

Section 1711: After making the specific findings as noted herein above, the Hearing Board shall prescribe requirements applicable to plants and equipment operated by specified industry or business or for specified industry, or to the operations of individuals which do not conflict with any statute, rule, regulation or order.

The Hearing Board shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the District; and to any lawful business, occupation or activity involved resulting from requiring compliance with said requirements or resulting from granting a variance.

Section 1712: As a condition precedent, the Hearing Board may require a cash bond; a bond executed by two (2) or more good and sufficient sureties or a corporate surety bond to assure performance of any construction, alteration, repair or other work required by the terms and conditions of the variance.
On failure to perform, the Surety has the option to remedy the default or to pay the amount under the bond.

Section 1713: The Hearing Board may review a variance for good cause, such as a change in the availability of materials, equipment or adequate technology and may modify a schedule of increments of progress or a final compliance date in such a schedule.

Section 1714: The Hearing Board, in making any order permitting a variance shall specify the time during which such order shall be effective but in no event shall exceed one (1) year, and shall set a final compliance date.

Exception: A variance may be issued for a period exceeding one (1) year if said variance includes a schedule of increments of progress specifying a final compliance date by which the emissions of air contaminants of a source for which the variance is granted will be brought into compliance with applicable emission standards.

CHAPTER X
ARTICLE III INCREMENTS OF PROGRESS

Section 1720: Increments of Progress means steps toward compliance to be taken by the Petitioner, including but not limited to:

A. Date of submittal of the Petitioner's sources final control plan to the appropriate air pollution control agency.

B. Date that contracts for emissions control systems or process modification was awarded; or date orders would be issued for purchase of component parts to accomplish emission control or process modification.

C. Date of initiation of on-site construction, or installation of emission control equipment, or process change.

D. Date of completion for on-site construction, or installation of emission control equipment, or process modification.

E. Date for final compliance.

Section 1721: Increments of progress shall include also such additional increments of progress as may be necessary or appropriate to permit close and effective supervision of progress toward timely compliance.

Section 1722: If the Air Pollution Control Board adopts a rule or regulation to limit emissions of pollutants as of a future date, then each party currently emitting pollutants exceeding such limits shall submit to the Hearing Board a schedule of increments of progress indicating a compliance on the effective date for public hearing, after due notice.

Section 1723: If the Air Pollution Control Board has prescribed a schedule of increments of progress, any party who cannot comply therewith shall submit a compliance schedule, or file an application for a variance.

Section 1724: If a party determines subsequently that he cannot meet the scheduled increments of progress, he shall submit to the Hearing Board immediately a compliance schedule or apply for a variance together with a justification therefor.

Section 1725: The Hearing Board shall approve such schedule or variance, or portion thereof, only if applicant demonstrates a bona fide effort to meet the published schedule and shows that his failure was caused by circumstances beyond his control.

CHAPTER X
ARTICLE IV PROCEDURE

Section 1730: **Non-acceptance of Petition** The clerk may refuse to file a Petition which does not comply with the applicable provisions set forth herein. The chairman or three (3) members of the Hearing Board may in writing order acceptance of the Petition or request the Petitioner to state further facts to reframe his Petition to disclose more clearly the issue involved.

Section 1731: The Petitioner may dismiss his Petition at any time prior to a hearing and the clerk shall notify all interested parties.

Section 1732: Not less than ten (10) days prior to the hearing, Petitioner may amend his Petition and shall serve all necessary parties with a copy thereof. Amendments within ten (10) days of a hearing may be allowed at the discretion of the Hearing Board.

Section 1733: If a district is included within a Regional District at a later date, any variance shall remain valid for the time specified therein, or for one year, whichever is shorter, or unless the Regional Hearing Board modifies or revokes the variance.

Section 1734: The State Board may revoke or modify any variance granted by the District if Permittee does not as expeditiously as practicable, comply with the required schedule of increments of progress, emission standards, or any other applicable requirement set forth in this Chapter.

Section 1735: Following immediate notice to the interested party, a public hearing shall be held in the usual required manner.

Section 1736: The District may set a schedule of fees to cover, but not to exceed, the estimated cost of administration and the filing of applications in all matters pertaining to this Chapter.

CHAPTER XII, REQUIREMENTS FOR ISSUING PERMITS TO OPERATE FOR SOURCES SUBJECT TO TITLE V OF THE FEDERAL CLEAN AIR ACT AMENDMENTS OF 1990
ARTICLE I PURPOSE AND GENERAL REQUIREMENTS

Section 12.100: **Purpose** The purpose of Chapter XII is to implement the requirements of Title V of the federal *Clean Air Act*, as amended in 1990, for permits to operate. Additionally, Chapter XII is used to implement the Phase II acid deposition control provisions of Title IV of the *Clean Air Act*, including provisions for Acid Rain Permits.

Section 12.110: **General Requirements of Chapter XII** After the *effective date of Chapter XII*, the Lake County Air Quality Management District will implement an operating permit program pursuant to the requirements of this Chapter, and as provided in Title V. Title V provides for the establishment of operating permit programs for sources which emit *regulated air pollutants*, including attainment and nonattainment pollutants.

Sources subject to Chapter XII include *major sources*, *acid rain* units subject to Title IV of the *Clean Air Act*, *solid waste incinerators* subject to Section 111 or 129 of the *Clean Air Act*, and any other sources specifically designated by rule of the *U.S. EPA*.

Sources subject to Chapter XII shall obtain permits to operate pursuant to it. Each permit to operate issued pursuant to Chapter XII will contain conditions and requirements adequate to ensure compliance with and enforceability of the following:

(a) All applicable provisions of Division 26 of the *Health and Safety Code*, commencing with section 39000;
(b) All applicable orders, rules, and regulations of the *District* and the *California Air Resources Board;*
(c) All applicable provisions of the applicable state implementation plan required by the *Clean Air Act*;

(d) Each applicable emission standard or limitation, rule, regulation, or requirement adopted or promulgated to implement the *Clean Air Act*; and
(e) The requirements of all *preconstruction permits* issued pursuant to Parts C and D of the *Clean Air Act*.

The operation of an emissions unit to which Chapter XII is applicable without a permit or in violation of any applicable permit condition or requirement constitutes a violation of Chapter XII.
[Reference: 40 CFR 70.6(a)(6)(i) and 70.7(b)]

Section 12.120: **Precedence over Conflicting Requirements and Continuation of Existing Program** The requirements of Chapter XII shall augment and take precedence over conflicting administrative requirements of other provisions of the District's rules and regulations, if any.

Chapter XII does not alter any applicable requirement that a source obtain *preconstruction permits*, or permits to operate pursuant to Health and Safety Code Section 42301. The *District* will continue to implement its existing program for sources subject to Chapter IV of these rules and regulations. Nothing in Chapter XII limits the authority of the District, including the hearing board, to deny, revoke or terminate a permit pursuant to provisions of state law, including California Health and Safety Code Sections 40808 and 42301-42309, or to impose conditions on a permit pursuant to state law.
[Reference 40 CFR 70.7(a)(6)]

Section 12.200: **Definitions** The definitions in this section apply throughout Chapter XII and are derived from related provisions of the U.S. EPA's Title V regulations in Part 70 of the *Code of Federal Regulations*, "State Operating Permit Programs." The terms defined in this section are italicized throughout Chapter XII.

(a1) Acid Rain Unit
An "acid rain unit" is any fossil-fuel-fired combustion device that is an affected unit under 40 CFR Part 72.6 and therefore subject to the requirements of Title IV (Acid Deposition Control) of the *Clean Air Act*.
[Reference: 40 CFR 70.2 Affected Unit]

(a2) Administrative Permit Amendment
An "administrative permit amendment" is an amendment to a permit to operate which:
(1) Corrects a typographical error;
(2) Identifies a minor administrative change at the *stationary source*; for example, a change in the name, address, or phone number of any person identified in the permit;
(3) Requires more frequent monitoring or reporting by a *responsible official* of the *stationary source*; or

(4) Transfers ownership or operational control of a *stationary source*, provided that, prior to the transfer, the *Air Pollution Control Officer* receives a written agreement which specifies a date for the transfer of permit responsibility, coverage, and liability from the current to the prospective permittee.

[Reference: 40 CFR 70.7(d)]

(a3) Affected State

An "affected state" is any state that is contiguous with the District and whose air quality may be affected by a permit action, or is within 50 miles of the source for which a permit action is being proposed.

[Reference: 40 CFR 70.2 Affected States]

(a4) Air Pollution Control Officer (APCO)

"Air Pollution Control Officer" refers to the air pollution control officer of the Lake County Air Quality Management District, appointed pursuant to *Health and Safety Code Section* 40750.

(a5) Applicable Federal Requirement

An "applicable federal requirement" is any requirement which is enforceable by the *U.S. EPA* and citizens pursuant to Section 304 of the *Clean Air Act* and is set forth in, or authorized by, the *Clean Air Act* or a *U.S. EPA* regulation. An "applicable federal requirement" includes any requirement of a regulation in effect at permit issuance and any requirement of a regulation that becomes effective during the term of the permit. Applicable federal requirements include:

(1) Title I requirements of the *Clean Air Act*, including:

(A) New Source Review requirements in the State Implementation Plan approved by the *U.S. EPA* and the terms and conditions of the *preconstruction permit* issued pursuant to an approved New Source Review rule;

(B) Prevention of Significant Deterioration (PSD) requirements and the terms and conditions of the PSD permit (40 *CFR* Part 52);

(C) New Source Performance Standards (40 *CFR* Part 60);

(D) National Ambient Air Quality Standards, increments, and visibility requirements as they apply to portable sources required to obtain a permit pursuant to section 504(e) of the *Clean Air Act;*

(E) National Emissions Standards for *Hazardous Air Pollutants* (40 *CFR* Part 61);

(F) Maximum Achievable Control Technology or Generally Available Control Technology Standards (40 *CFR* Part 63);

(G) Risk Management Plan preparation and registration requirements (section 112(r) of the *Clean Air Act*);

(H) Solid Waste Incineration requirements (sections 111 or 129 of the *Clean Air Act*);

(I) Consumer and Commercial Product requirements (section 183 of the *Clean Air Act*);
(J) Tank Vessel requirements (section 183 of the *Clean Air Act)*;
(K) *District* prohibitory rules that are approved into the state implementation plan;
(L) Standards or regulations promulgated pursuant to a Federal Implementation Plan; and
(M) Enhanced Monitoring and Compliance Certification requirements (section 114(a)(3) of the *Clean Air Act*).

(2) Title III, section 328 (Outer Continental Shelf) requirements of the *Clean Air Act* (40 *CFR* Part 55);

(3) Title IV (Acid Deposition Control) requirements of the *Clean Air Act* (40 *CFR* Parts 72, 73, 75, 76, 77, 78 and regulations implementing sections 407 and 410 of the *Clean Air Act*);

(4) Title VI (Stratospheric Ozone Protection) requirements of the *Clean Air Act* (40 *CFR* Part 82); and

(5) Monitoring and Analysis requirements (section 504(b) of the *Clean Air Act*).

[Reference: 40 CFR 70.2 Applicable Requirement]

(c1) California Air Resources Board (ARB
"California Air Resources Board" refers to the Air Resources Board of the State of California, created by Health and Safety Code Division 26, Part 2.

(c2) Clean Air Act (Clean Air Act)
"Clean Air Act" refers to the federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).

(c3) Code of Federal Regulations (CFR)
"Code of Federal Regulations" refers to the United States Code of Federal Regulations.

(c4) Commence Operation
"Commence operation" means to begin *operation* (q.v.) of an *emissions unit,* including any start-up or shakedown period authorized by a temporary permit to operate issued pursuant to Health and Safety Code section 42301.1.

(d1) *Designated Non-Major Stationary Source*
A source which, by imposition of *federally enforceable permit* conditions, has its *potential to emit* limited to below the threshold levels for a *major source* as defined by Chapter XII, and is not otherwise required to apply for a *major source* review permit under Chapter XII.

(d2) *Designated Non-Major Stationary Source Operating Permit*
A new or modified *District* permit issued pursuant to Chapter XII and Chapter IV which incorporates identified permit conditions imposing source-

wide, *federally enforceable*, emission limits according to the procedures contained in Chapter XII, Article VIII to specifically avoid the requirements of Chapter XII *major source* permit review. A *Designated Non-Major Stationary Source Operating Permit* is a *District* permit, subject to all the applicable provisions of existing *District* Rules and Regulations including but not limited to permitting, compliance, public notice, reporting and payment of fees. The permit specifically incorporates and identifies those conditions that result in the designation as a *Designated Non-Major Stationary Source*.

(d3) Direct Emissions
"Direct emissions" are emissions that may reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

(d4) District
"District" refers to the Lake County Air Quality Management District.

(e1) Effective Date of Chapter XII
The "effective date of Chapter XII" is the date the *U.S. EPA* promulgates interim, partial, or final approval of the rule in the *Federal Register*
[Reference: 40 CFR 70.4(g)]

(e2) Emergency
An "emergency" is any situation arising from a sudden and reasonably unforeseeable event beyond the control of a permittee (e.g., an act of God) which causes the exceedance of a technology-based emission limitation under a permit and requires immediate corrective action to restore compliance. An "emergency" does not include noncompliance as a result of improperly designed or installed equipment, lack of preventive maintenance, careless or improper operation, or operator error.
[Reference: 40 CFR 70.6(g)(1)]

(e3) Emissions Unit
An "emissions unit" is any identifiable article, machine, contrivance, or operation which emits, may emit, or results in the emissions of, any *regulated air pollutant* or *hazardous air pollutant*.
[Reference: 40 CFR 70.2 Emissions Unit]

(f1) Federally-Enforceable Condition
A "federally-enforceable condition" is any condition set forth in the permit to operate which addresses an *applicable federal requirement* or a *voluntary emissions cap*.

(f2) Fugitive Emissions
"Fugitive emissions" are emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.
[Reference: 40 CFR 70.2 Fugitive Emissions]

(h1) Hazardous Air Pollutant (HAP)
A "hazardous air pollutant" is any air pollutant listed pursuant to section 112(b) of the *Clean Air Act*.

(h2) Health and Safety Code (H&SC)
"Health and Safety Code" refers to the California Health and Safety Code.

(i1) Initial Permit
An "initial permit" is the first operating permit for which a source submits an application that addresses the requirements of the federal operating permits program as implemented by Chapter XII.

(i2) Insignificant Source
For the purposes of this rule, an insignificant source shall be any activity, process or emissions unit which is not subject to a source-specific applicable federal requirement and which emits no more than 1000 pounds per year of a HAP and no more than 4000 pounds per year of a regulated air pollutant that is not a HAP. Source-specific federal requirements include requirements for which emission unit-specific information is required to determine applicability.

(m1) Major Source
A "major source" is a *stationary source* which has the *potential to emit* a *regulated air pollutant* or a *hazardous air pollutant* in quantities equal to or exceeding the lesser of any of the following thresholds:
(1) 100 tons per year (tpy) of any *regulated air pollutant*;
(2) 50 tpy of volatile organic compounds or oxides of nitrogen for a federal nonattainment area classified as serious, 25 tpy for an area classified as severe, or, 10 tpy for an area classified as extreme;
(3) 70 tpy of PM10 (particulate matter of 10 microns or less) for a federal PM10 nonattainment area classified as serious;
(4) 10 tpy of one *hazardous air pollutant* or 25 tpy of two or more *hazardous air pollutants*; or
(5) Any lesser quantity threshold promulgated by the *U.S. EPA*.
[Reference: 40 CFR 70.2 Major Source]

(m2) Minor Permit Modification
A "minor permit modification" is any modification to a *federally-enforceable condition* on a permit to operate which is not a *significant permit modification*, and is not an *administrative permit amendment*.
[Reference: 40 CFR 70.7(e)(2)]

(o1) Operation
"Operation" means any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action including combustion resulting in a change in the chemical composition or physical

properties of a material, which results in or may result in the emission of a regulated air pollutant.

(p1) Permit Modification
A "permit modification" is any addition, deletion, or revision to a permit to operate condition.
[Reference: 40 CFR 70.2 Permit Modification and Permit Revisions]

(p2) Potential to Emit
For the purposes of Chapter XII, "potential to emit" as it applies to an *emissions unit* and a *stationary source* is defined below.

(1) *Emissions Unit*
The "potential to emit" for an *emissions unit* is the maximum capacity of the unit to emit a *regulated air pollutant* or *hazardous air pollutant* considering the unit's physical and operational design. Physical and operational limitations on the emissions shall be treated as part of its design, if the limitations are set forth in permit conditions or in rules or regulations that are legally and practically enforceable by U.S. EPA and citizens or by the District. Physical and operational limitations to emit shall include, but are not limited to, the following: limits placed on emissions; and restrictions on hours of operation and type or amount of material combusted, stored, or processed.

(2) *Stationary Source*
The "potential to emit" for a *stationary source* is the sum of the *potential to emit* from all *emissions units* at the *stationary source*. If two or more *hazardous air pollutants* are emitted at a *stationary source*, the *potential to emit* for each of those *hazardous air pollutants* shall be combined to determine applicability. *Fugitive emissions* shall be considered in determining the *potential to emit* for: 1) sources as specified in 40 *CFR* Part 70.2 Major Source, and 2) sources of *hazardous air pollutant* emissions. Notwithstanding the above, any *hazardous air pollutant* emissions from any oil or gas exploration or production well (with its associated equipment) and any pipeline compressor or pump station shall not be aggregated with emissions of similar units for the purpose of determining a *major source* of *hazardous air pollutants*, whether or not such units are located in contiguous areas or are under common control.
[Reference: 40 CFR 70.2 Potential to Emit and Major Source(2)]

(p3) Preconstruction Permit
A "preconstruction permit" is a permit authorizing construction and includes:

(1) A preconstruction permit issued pursuant to a program for the prevention of significant deterioration of air quality required by section 165 of the *CAA* ; or

(2) An Authority To Construct issued pursuant to the District's new source review program required by sections 172 and 173 of the *Clean Air Act*, or Chapter IV, Article I of these rules and regulations.

(r1) Regulated Air Pollutant

A "regulated air pollutant" is any pollutant which is emitted into or otherwise enters the ambient air, and for which the *U.S. EPA* has adopted an emission limit, standard, or other requirement. Regulated air pollutants include the following:

(1) Oxides of nitrogen and volatile organic compounds;

(2) Any pollutant for which a national ambient air quality standard has been promulgated pursuant to section 109 of the *Clean Air Act*;

(3) Any pollutant subject to a new source performance standard promulgated pursuant to section 111 of the *Clean Air Act*;

(4) Any ozone-depleting substance specified as a Class I (chlorofluorocarbons) or Class II (hydrofluorocarbons) substance pursuant to Title VI of the *Clean Air Act*; and

(5) Any pollutant subject to a standard or requirement promulgated pursuant to section 112 of the *Clean Air Act*, including:

A. Any pollutant listed pursuant to section 112(r) of the *Clean Air Act* (Prevention of Accidental Releases) shall be considered a "regulated air pollutant" upon promulgation of the list.

B. Any *hazardous air pollutant* subject to a standard or other requirement promulgated by the *U.S. EPA* pursuant to section 112(d) or adopted by the *District* pursuant to 112(g) and (j) of the *Clean Air Act* shall be considered a "regulated air pollutant" for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to section 112(e)(3) of the *Clean Air Act*.

C. Any *hazardous air pollutant* subject to a *District* case-by-case emissions limitation determination for a new or modified source, prior to the *U.S. EPA* promulgation or scheduled promulgation of an emissions limitation shall be considered a "regulated air pollutant" when the determination is made pursuant to section 112(g)(2) of the *Clean Air Act*. In case-by-case emissions limitation determinations, the *hazardous air pollutant* shall be considered a "regulated air pollutant" only for the individual source for which the emissions limitation determination was made.

[Reference: 40 CFR 70.2 Regulated Air Pollutant]

(r2) Responsible Official

A "responsible official" is an individual with the authority to certify that a source complies with all *applicable federal requirements* and *federally-*

enforceable conditions of permits issued to sources in accordance with Chapter XII. "Responsible official" means one of the following:

(1) For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
   A. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or
   B. The delegation of authority to such representative is approved in advance by the *Air Pollution Control Officer*;

(2) For a partnership or sole proprietorship, a general partner or the proprietor, respectively;

(3) For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or

(4) For an *acid rain unit* subject to Title IV (Acid Deposition Control) of the *Clean Air Act*, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Chapter XII.

[Reference: 40 CFR 70.2 Responsible Official]

(s1) Significant Permit Modification

A "significant modification" is any modification to a *federally-enforceable condition* on a permit to operate which:

(1) Involves any *modification* under section 112(g) of Title I of the *Clean Air Act* or under *U.S. EPA* regulations promulgated pursuant to Title I of the *Clean Air Act*, including 40 *CFR* Parts 51, 52, 60, 61, and 63;

(2) Significantly changes monitoring conditions;

(3) Provides for the relaxation of any reporting or record keeping conditions;

(4) Involves a permit term or condition which allows a source to avoid an *applicable federal requirement*, including: 1) a federally-enforceable *voluntary emissions cap* assumed in order to avoid triggering a modification requirement of Title I of the *Clean Air Act*, or 2) an alternative *hazardous air pollutant* emission limit pursuant to section 112(i)(5) of the *Clean Air Act*;

(5) Involves a case-by-case determination of any emission standard or other requirement; or

(6) Involves a source-specific determination for ambient impacts, visibility analysis, or increment analysis on portable sources.

[Reference: 40 CFR 70.7(e)(2) and (4)]

(s2) Solid Waste Incinerator

A "solid waste incinerator" is any incinerator which burns solid waste material from commercial, industrial, medical, general public sources (e.g., residences, hotels, or motels), or other categories of solid waste incinerators subject to a performance standard promulgated pursuant to sections 111 or 129 of the *Clean Air Act*. The following incinerators are excluded from the definition of "solid waste incinerator" for the purpose of Chapter XII:

(1) Any hazardous waste incinerator required to obtain a permit under the authority of section 3005 of the Solid Waste Disposal Act (42 U.S.C. section 6925);
(2) Any materials recovery facility which primarily recovers metals;
(3) Any qualifying small power production facility as defined in 16 U.S.C.A. section 796(17)(C);
(4) Any qualifying cogeneration facility which burns homogenous waste for the production of energy as defined in 16 U.S.C.A. section 796(18)(B); or
(5) Any air curtain incinerator which burns only wood, yard, or clean lumber waste and complies with the opacity limitations to be established by the Administrator of the *U.S. EPA*.

(s3) Stationary Source

For the purposes of Chapter XII, a "stationary source" is any building, structure, facility, or installation (or any such grouping) that:

(1) Emits, may emit, or results in the emissions of any *regulated air pollutant* or *hazardous air pollutant*;
(2) Is located on one or more contiguous or adjacent properties;
(3) Is under the ownership, operation, or control of the same person (or persons under common control) or entity; and
(4) Belongs to a single major industrial grouping; for example, each building, structure, facility, or installation in the grouping has the same two-digit code under the system described in the 1987 Standard Industrial Classification Manual.

[Reference: 40 CFR 70.2 Stationary Source]

(u1) United States Environmental Protection Agency (U.S. EPA)

"United States Environmental Protection Agency" refers to the Administrator or designated representative of the United States Environmental Protection Agency.

(v1) Voluntary Emissions Cap

A "voluntary emissions cap" is an optional, federally-enforceable emissions limit on one or more *emissions unit(s)* which a source assumes in order to avoid an *applicable federal requirement*. The source remains subject to all other *applicable federal requirements*.

CHAPTER XII
ARTICLE III APPLICABILITY

Section 12.300: **Applicability**

(a) Sources Subject to Chapter XII

The sources listed below are subject to the requirements of Chapter XII:

(1) A *major source*;

(2) A source with an *acid rain unit* for which application for an Acid Rain Permit is required pursuant to Title IV of the *Clean Air Act*;

(3) A *solid waste incinerator* subject to a performance standard promulgated pursuant to section 111 or 129 of the *Clean Air Act*;

(4) Any other source in a source category designated pursuant to 40 CFR Part 70.3 by rule of the *U.S. EPA*; and

(5) Any source that is subject to a standard or other requirement promulgated pursuant to section 111 or 112 of the *Clean Air Act*, published after July 21, 1992, designated pursuant to 40 CFR Part 70.3, by the *U.S. EPA* at the time the new standard or requirement is promulgated.

(b) Sources Exempt from Chapter XII

The sources listed below are not subject to the requirements of Chapter XII:

(1) Sources regulated solely by 40 *CFR* Part 60, Subpart AAA (Standards of Performance for New Residential Wood Heaters);

(2) Sources regulated solely by 40 *CFR* Part 61, Subpart M, section 145 (National Emission Standards for Asbestos, Standard for Demolition and Renovation); and

(3) Any other source in a source category deferred pursuant to 40 CFR Part 70.3 by *U.S. EPA* rulemaking.

(4) Any insignificant source at a facility not requiring a Title V permit.

(5) When the EPA finalizes the underlying requirements in 40 CFR Part 70, sources classified as a major source solely because it has the potential to emit major amounts of a pollutant listed pursuant to 112(r)(3) of the CAA, and is not otherwise a major source as defined in 12.200.

CHAPTER XII
ARTICLE IV ADMINISTRATIVE PROCEDURES FOR SOURCES

Section 12.400: **Permit Requirement and Application Shield**

(a) Permit Requirement

No person shall operate an *emissions unit* at a stationary source subject to the requirements of Chapter XII except in compliance with permits to operate issued pursuant to Chapter XII or under the protection of the application shield of subsection (b). Except as provided in subsection (b) and (c), operation of an *emissions unit* at a source subject to Chapter XII without a permit issued pursuant to Chapter XII constitutes a violation of Chapter XII. Operation of an *emissions unit* at a permitted source out of compliance with the terms of the permit constitutes a violation of Chapter XII.

Chapter XII does not alter any applicable requirement that a source obtain *preconstruction permits*.

(b) Application Shield
If a *responsible official* submits, pursuant to Chapter XII, a timely and complete application for a permit, a source shall not be deemed in violation of the requirement to have a permit to operate until the *Air Pollution Control Officer* takes final action on the application.

This application shield does not apply to sources applying for *permit modifications*. For *permit modifications*, a source shall operate in accordance with the *applicable federal requirements*, the permit to operate issued pursuant to Chapter XII and any temporary permit to operate issued pursuant to section 42301.1 of the *Health and Safety Code*.
[Reference: 40 CFR 70.7(b) and (e)(2)(v)]

(c) Compliance With Other Permit Requirements
If a *responsible official* submits a timely and complete application for an *initial permit*, the source shall operate in accordance with the requirements of any valid permit to operate issued pursuant to section 42301 of the *Health and Safety Code* until the *Air Pollution Control Officer* takes final action on the application. If a *responsible official* submits a timely and complete application for renewal of a permit to operate, the source shall operate in accordance with the permit to operate issued pursuant to Chapter XII, notwithstanding expiration of this permit, until the *Air Pollution Control Officer* takes final action on the application.

(d) Termination of Application Shield
The application shield of subsection (b) shall cease to insulate a source from enforcement action if a *responsible official* of the source fails to submit any additional information requested by the *Air Pollution Control Officer* pursuant to Section 12.420 in a timely manner as specified by the *Air Pollution Control Officer*.

Section 12.405: **Application Requirements**

(a) Initial Permit
(1) For a source that is subject to Chapter XII on the date the rule becomes effective, a *responsible official* shall submit a complete standard *District* application within six months after the date the rule is approved by the EPA.
(2) For a source that becomes subject to Chapter XII after the date the rule becomes effective, a *responsible official* shall submit a complete standard *District* application for a permit within 12 months after *commencing operation*.

(3) For a source with an *acid rain unit* a responsible official shall submit a standard District application and acid rain permit application to the District. The applications shall be submitted within the following timeframe:
1) If the source is subject to Chapter XII because of Section 12.300, (a), (1) within the applicable timeframe specified in Section 12.405, (a), (1) and (2).
2) If the source is subject to Chapter XII only because of Section 12.300, (a), (2), by January 1, 1996, or, if applicable, a latter date established by 40 CFR Part 72.

(4) For a source that becomes subject to Chapter XII after the date the rule becomes effective, a responsible official shall submit a complete standard District application for a permit within 12 months after the source becomes subject to the rule.

[Reference: 40 CFR 70.5(a)(1)]
[Reference: 40 CFR 70.5(a) and (c)(10)]

(b) Permit Renewal
For renewal of a permit, a *responsible official* shall submit a complete standard *District* application no earlier than 18 months and no later than 6 months before the expiration date of the current permit to operate. A *responsible official* shall submit applications for renewal of permits to operate for all emissions units at a stationary source for simultaneous review.
[Reference: 40 CFR 70.5(a)(1)(iii)]

(c) Significant Permit Modification
After obtaining any required *preconstruction permits*, *a responsible official* shall submit a standard *District* application for each *emissions unit* affected by a proposed permit revision that qualifies as a *significant permit modification.* Upon request by the *Air Pollution Control Officer*, the *responsible official* shall submit copies of the latest *preconstruction permit* for each affected *emissions unit.* The *emissions unit(s)* shall not *commence operation* until the *Air Pollution Control Officer* takes final action to approve the permit revision.
[Reference: 40 CFR 70.5(a)(1)(ii)]

(d) Minor Permit Modification
After obtaining any required *preconstruction permits*, a *responsible official* shall submit a standard *District* application for each *emissions unit* affected by the proposed permit revision that qualifies as a *minor permit modification.* The *emissions unit(s)* affected by the proposed *permit modification* shall not *commence operation* until the *Air Pollution Control Officer* takes final action to approve the permit revision. In the application, the *responsible official* shall include the following:

(1) A description of the proposed permit revision, any change in emissions, and additional *applicable federal requirements* that will apply;

(2) Proposed permit terms and conditions; and
(3) A certification by a *responsible official* that the permit revision meets criteria for use of *minor permit modification* procedures and a request that such procedures be used.

[Reference: 40 CFR 70.5(a)(ii) and 70.7(e)(2)(ii and v)]

(e) Acid Rain Unit Permit Modification
A *permit modification* of the acid rain portion of the operating permit shall be governed by regulations promulgated pursuant to Title IV of the *Clean Air Act*.

[Reference: 40 CFR 70.7(e)]

Section 12.410: **Standard District Application** A *responsible official* filing an application for a permit pursuant to Chapter XII must submit that application on standard District application forms. Additional information which does not fit on the standard forms may be attached.

Section 12.415: **Application Content:** When submitting an application for a permit pursuant to Chapter XII, the *responsible official* shall include the following information:

(a) Information identifying the source;

[Reference: 40 CFR 70.5(c)(1)]

(b) Description of processes and products (by Standard Industrial Classification Code) including any associated with proposed alternative operating scenarios;

[Reference: 40 CFR 70.5(c)(2)]

(c) A schematic diagram and plot plan of the *stationary source*, identifying each emissions unit and keyed to the listing of subsection (d).

(d) A listing and enumeration of all existing *emissions units* at the *stationary source*, keyed to the diagram and plot plan of subsection (c), and identification and description of all points of emissions from the *emissions units* in sufficient detail to establish the *applicable federal requirements* and the basis for fees pursuant to Section 660 of these Rules and Regulations.

[Reference: 40 CFR 70.5(c)(3)(i)]

(e) Citation and description of all *applicable federal requirements*, information and calculations used to determine the applicability of such requirements and other information that may be necessary to implement and enforce such requirements;

[Reference: 40 CFR 70.5(c)(3)(vii) and (4)(i and ii)]

(f) Calculation of all emissions, including *fugitive emissions*, in tons per year and in such terms as are necessary to establish compliance with the all applicable *District*, state, or federal requirements for the following:
(1) All *regulated air pollutants* emitted from the source,
(2) Any *hazardous air pollutant* that the source has the *potential to emit* in quantities equal to or in excess of 10 tons per year, and
(3) If the source has the potential to emit two or more *hazardous air pollutant*s in quantities equal to or in excess of 25 tons per year, all *hazardous air pollutant*s emitted by the source;
[Reference: 40 CFR 70.5(c)(3)(i and viii)]

(g) As these affect emissions from the source, the identification of fuels, fuel use, raw materials, production rates, operating schedules, limitations on source operation or workplace practices;
[Reference: 40 CFR 70.5(c)(3)(iv and vi)]

(h) An identification and description of air pollution control equipment and compliance monitoring devices or activities;
[Reference: 40 CFR 70.5(c)(3)(v)]

(i) Other information required by an *applicable federal requirement*;
[Reference: 40 CFR 70.5(c)(3)(vii) and (5)]

(j) The information needed to define permit terms or conditions implementing a source's options for operational flexibility, including alternative operating scenarios, pursuant to subsection Section 12.580;
[Reference: 40 CFR 70.5(c)(7)]

(k) A compliance plan and compliance schedule with the following:
(1) A description of the compliance status of each *emissions unit* within the *stationary source* with respect to *applicable federal requirements*;
(2) A statement that the source will continue to comply with such other *applicable federal requirements* that the source is already in compliance with;
(3) A statement that the source will comply, on a timely basis, with future-effective requirements which have been adopted; and
(4) A description of how the source will achieve compliance with requirements for which the source in not in compliance;
[Reference: 40 CFR 70.5(c)(8)]

(l) A Compliance Schedule for a source not in compliance with any applicable federal requirement at the time of permit issuance, renewal, and modification. The Compliance Schedule must resemble and be at least as stringent as that contained in any judicial consent decree, administrative order, or schedule approved by the hearing board to which the source is subject, and identifies remedial measures with specific increments of progress, a final compliance

date, testing and monitoring methods, record-keeping requirements, and a schedule for submission of certified progress reports to the U.S EPA and the Air Pollution Control Officer at least every 6 months;
[Reference: 40 CFR 70.5(c)(8)(iii)(C), 40 CFR 70.5(c)(4)(iii)(C).]

(m) A certification by a *responsible official* of all reports and other documents submitted for permit application, compliance progress reports at least every 6 months, statements on compliance status with any applicable enhanced monitoring, and compliance plans at least annually, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
[Reference: 40 CFR 70.5(c)(9) and (d)]

(n) For a source with an *acid rain unit*, an application shall include the elements required by 40 *CFR* Part 72;
[Reference: 40 CFR 70.5(c)(10)]

(o) For a source of *hazardous air pollutant* required to prepare a risk management plan pursuant to section 112(r) of the CAA, the application shall include verification that such a plan has been submitted to the authorized implementing agency or a compliance schedule for the submittal of such a plan; and

(p) For proposed portable sources, an application shall identify all locations of potential operation and how the source will comply with all applicable *District*, state, and federal requirements at each location.

(q) Identification of fees specified in Section 660 of these Rules and Regulations;
[Reference: 40 CFR 70.6(a)(7)]

Section 12.420: **Correctness of Applications**

(a) A *responsible official* of a source shall submit an accurate and complete application in accordance with the requirements of the *District*.

(b) Upon written request of the *Air Pollution Control Officer*, a *responsible official* shall supplement any complete application with additional information within the time frame specified by the *Air Pollution Control Officer*.

(c) A *responsible official* shall promptly provide additional information in writing to the *Air Pollution Control Officer* upon discovery of submittal of any inaccurate information as part of the application or as a supplement thereto, or of any additional relevant facts previously omitted which are needed for accurate analysis of the application.

(d) Intentional or negligent submittal of inaccurate information constitutes sufficient reason for denial of an application.

[Reference: 40 CFR 70.5(a)(2) and (b)]

Section 12.425: **Written Requests for *District* Action** A *responsible official* shall submit a written request to the *Air Pollution Control Officer* for the following permit actions:

(a) Administrative Permit Amendment:
A *responsible official* may implement an *administrative permit amendment* change upon submittal of the request to the District, except that transfer of ownership must be processed by the District.
[Reference: 40 CFR 70.7(d)(3)]

(b) Permit Modification for a Condition that is not Federally Enforceable
For a *permit modification* for a condition that is not federally enforceable, a *responsible official* shall submit a written request in accordance with the requirements of Chapter IV, Article I.

(c) Permits to Operate for New Emissions Units
For permits to operate for a new *emissions unit* at a *stationary source*, a *responsible official* shall submit a written request in accordance with the requirements of Chapter IV, Article II, except under the following circumstances:
(1) The construction or operation of the *emissions unit* is a modification under *U.S. EPA* regulations promulgated pursuant to Title I of the *Clean Air Act,* including 40 *CFR* Parts 51, 52, 60, 61, 63;
[Reference: 40 CFR 70.7(e)(2)(i)(A)(5)]
(2) The construction or operation of the proposed new *emissions unit* is addressed or prohibited by permits for other *emissions units* at the *stationary source*; or
[Reference: 40 CFR 70.5(a)(ii)]
(3) The proposed new *emissions unit* is an *acid rain unit* subject to Title IV of the *Clean Air Act*.
[Reference: 40 CFR 70.7(e)]
In the circumstances specified in subsections (c)(1), (c)(2) or (c)(3), a *responsible official* shall apply for a permit to operate for the new *emissions unit* pursuant to the requirements of Chapter XII.

Section 12.430: **Response to Permit Reopening for Cause** Upon notification by the *Air Pollution Control Officer* of a reopening of a permit for cause for an *applicable federal requirement* pursuant to Section 12.570, a *responsible official* shall respond to any written request for information by the *Air Pollution Control Officer* within the time frame specified by the *Air Pollution Control Officer*.
[Reference: 40 CFR 70.6(a)(6)(v)]

Section 12.440: **Portable Sources**

(a) Any portable source which may operate at two or more locations shall meet all applicable *District*, state and federal requirements at each location.

(b) Any portable source which may operate at two or more locations shall notify the *Air Pollution Control Officer* not sooner than thirty days before a change in location and not later than ten days prior to the change.

[Reference 40 CFR 70.6(e)]

Section 12.450: **Emergency Events**

(a) The permittee shall comply with the requirements of Chapter III, Article II and the emergency provisions contained in all applicable federal requirements;

(b) Within two working days of the *emergency* event, a *responsible official* shall provide the *District* with a written description of the *emergency* and any mitigating or corrective actions taken;

(c) Within two weeks of an emergency event, the *responsible official* shall submit to the *District* a signed contemporaneous log or other relevant evidence which demonstrates that:
   (1) An *emergency* occurred;
   (2) The permittee can identify the cause(s) of the *emergency*;
   (3) The facility was being properly operated at the time of the *emergency*;
   (4) All steps were taken to minimize the emissions resulting from the *emergency*; and
   (5) Within two working days of the *emergency* event, the permittee provided the *district* with a description of the *emergency* and any mitigating or corrective actions taken;

(d) In any enforcement proceeding, the permittee has the burden of proof to establish that an *emergency* occurred.

[Reference: 40 CFR 70.6(g)]

Section 12.455: **Recordkeeping**

(a) A *responsible official* shall maintain records of all monitoring and support information associated with any *applicable federal requirement*, including:
   (1) Date, place, and time of sampling;
   (2) Operating conditions at the time of sampling;
   (3) Date, place, and method of analysis; and
   (4) Results of the analysis;

(b) A *responsible official* shall retain records of all required monitoring data and support information for a period of at least five years from the date of sample collection, measurement, report, or application; and

(c) A *responsible official* shall maintain any other records deemed necessary by the *Air Pollution Control Officer* to ensure compliance with all *applicable federal requirements*.

Section 12.460: **Reporting Requirements**

(a) A *responsible official* shall submit to the *District* a monitoring report at least every six months which shall identify any deviation from permit requirements, including that information previously reported to the *Air Pollution Control Officer* pursuant to subsection (b).

(b) A *responsible official* shall submit to the *District* a report of any deviation from permit requirements, including those attributable to emergency or breakdown conditions (as defined in the permit). This information shall be promptly reported to the *Air Pollution Control Officer* who will determine what constitutes "prompt" reporting in terms of the requirement, the degree, and type of deviation likely to occur.

(c) Each report of a deviation from permit requirements shall describe the probable cause of the deviation and any preventative or corrective action taken.

(d) Each monitoring report submitted pursuant to subsection (a) or (b) shall be accompanied by a written statement from the *responsible official* which certifies the truth, accuracy, and completeness of the report.

(e) A *responsible official* shall submit to the *District* a progress report on any compliance schedule at least semi-annually and shall include the date when compliance will be achieved, an explanation of why compliance was not, or will not be, achieved by the scheduled date, and a log of any preventative or corrective action taken.

[Reference: 40 CFR 70.6(a)(3)(ii)]

Section 12.470: **Voluntary Emissions Caps** To the extent *applicable federal requirements* provide for averaging emissions increases and decreases within a stationary source without case-by-case approval, a *responsible official* may request, subject to approval by the *Air Pollution Control Officer*, to permit one or more *emissions unit(s)* under a *voluntary emissions cap*, subject to the following conditions:

(a) The *stationary source* and each *emissions unit* must comply with all *applicable federal requirements*, including those authorizing emissions averaging;

(b) Emissions from any individual *emissions unit* shall not exceed any emissions limitation, standard, or other requirement;

(c) Any emissions limitation, standard, or other requirement shall be enforced through continuous emission monitoring, where applicable; and

(d) All affected *emissions units* under a *voluntary emissions cap* shall be considered to be operating in violation of the permit, if the *voluntary emissions cap* is exceeded.

CHAPTER XII
ARTICLE V DISTRICT ADMINISTRATIVE PROCEDURES

Section 12.500: **Completeness Review of Applications** The *Air Pollution Control Officer* shall determine if an application is complete and shall notify the *responsible official* of the determination within the following time frames:

(a) For an *initial permit*, permit renewal, or a *significant permit modification*, within 60 days of receiving the application; and
[Reference: 40 CFR 70.7(a)(4)]

(b) For a *minor permit modification*, within 30 days of receiving the application. The application shall be deemed complete unless the *Air Pollution Control Officer* requests additional information or otherwise notifies the *responsible official* that the application is incomplete within the time frames specified above.
[Reference: 40 CFR 70.5(a)(2) and 70.7(a)(4)]

Section 12.510: **Notification of Completeness Determination** The *Air Pollution Control Officer* shall provide written notification of the completeness determination to the applicant, the *U.S. EPA*, the *Air Resources Board* and any *affected state* and shall submit a copy of the complete application to the *U.S. EPA* within five working days of the determination. The *Air Pollution Control Officer* need not provide notification for applications from sources that are not major sources, except as determined by the U.S. EPA.
[Reference: 40 CFR 70.7(2)(iii) and 70.8 (a)(1 and 2)]

Section 12.520: **Application Processing Time Frames** The *Air Pollution Control Officer* shall act on a complete application in accordance with the procedures in Rules12.540, 12.545, and 12.550 (except as application procedures for *acid rain units* are provided for under regulations promulgated pursuant to Title IV of the *Clean Air Act*), and take final action within the following time frames:
[Reference: 40 CFR 70.7(a)(2)]

(a) For an *initial permit* for a source subject to Chapter XII on the date the rule becomes effective, no later than three years after the date the rule becomes effective;
[Reference: 40 CFR 70.4(b)(11)]

(b) For an initial permit for a source that becomes subject to Chapter XII after the date the rule becomes effective, no later than 18 months after the complete application is received;

(c) For a permit renewal, no later than 18 months after the complete application is received;

(d) For a significant permit modification, no later than 18 months after the complete application is received;

(e) For a *minor permit modification,* within 90 days after the application is received or 60 days after written notice to the *U.S. EPA* on the proposed decision, whichever is later; or

[Reference: 40 CFR 70.7(e)(2)(iv)]

(f) For any permit application with early reductions pursuant to section 112(i)(5) of the Clean Air Act, within 9 months after the complete application is received;

[Reference: 40 CFR 70.4(b)(11)(iii)]

(g) The District shall review permits to operate simultaneously for all *emissions units* at a *stationary source* for initial issuance or renewal.

Section 12.530: **District Analysis of Permit Application** The District analysis of any application for an operating permit under Chapter XII, or for renewal of such a permit, shall set forth the legal and factual bases for the proposed decision to grant or deny the permit, including references to the applicable statutory and regulatory provisions.

[Reference: 40 CFR 70.7(a)(5)]

Section 12.540: **Notification and Opportunity for Review of Proposed Decision** Within the applicable time frame specified in Section 12.520, the *Air Pollution Control Officer* shall provide official and public notice of and opportunity to review the proposed decision to issue a permit to operate in accordance with requirements of this Rule.

[Reference: 40 CFR 70.7(h) and 70.8]

(a) Official Notice

For *initial permits*, renewal of permits, *significant permit modifications*, and reopenings for cause, the *Air Pollution Control Officer* shall send official written notice of the proposed decision to *the responsible official*, the *Air Resources Board*, adjacent air pollution control districts and any affected state. Official notice shall include the proposed permit and, upon request, copies of the *District* analysis.

[Reference: 40 CFR 70.7(h)(3) and 70.8(b)(1)]

For *minor permit modifications*, the *Air Pollution Control Officer* shall provide official written notice of the proposed decision to the *responsible official, the Air Resources Board* and any *affected state*.
[Reference: 40 CFR 70.7(e)(2)(iii) and 70.7(h)]
The *Air Pollution Control Officer* shall send Official Notice of proposed permit decisions by certified mail, return receipt requested.

(b) Public Notice For initial permits, renewal of permits, significant permit modifications, and re-openings for cause, the Air Pollution Control Officer shall provide public notice of the proposed decision by publication in at least one newspaper of general circulation in the District and, if necessary, by other means if necessary to assure adequate notice to the affected public, and by mail to persons who request such notification.
[Reference: 40 CFR 70.7(h)(1)]

(c) Contents of Public Notice
Public notice shall include the following information:
(1) The identification of the source, the name and address of the applicant, the activities and emissions and change in emissions involved in the permit action;
(2) The name and address of the *District*, the name and telephone number of *District* staff to contact for additional information;
(3) The availability, upon request, of the District Analysis, setting forth the legal and factual basis for the proposed decision;
[Reference: 40 CFR 70.7(a)(5)]
(4) The location where the public may inspect the complete application, the *District* analysis, and the proposed permit;
(5) A statement that the public may submit written comments regarding the proposed decision within at least 30 days from the date of publication and a brief description of commenting procedures; and
(6) The date, time and place of the public hearing on the proposed decision or a statement that members of the public may request the APCO preside over a public hearing for the purpose of receiving oral public comment, if a hearing has not already been scheduled. The *Air Pollution Control Officer* shall provide notice of any public hearing scheduled to address the proposed decision at least 30 days prior to such hearing.
[Reference: 40 CFR 70.7(h)(2 and 4)]

(d) Notice to U.S. EPA
After completion of the public notice and comment period pursuant to subsection (f), the *Air Pollution Control Officer* shall send written notice to the *U.S. EPA* of the proposed decision along with copies of the proposed permit, the *District* analysis, the public notice submitted for publication, the *District's* response to written comments, and all necessary supporting information.
[Reference: 40 CFR 70.7(h)(5) and 70.8]

For *minor permit modifications*, the *Air Pollution Control Officer* shall provide written notice of the proposed decision to the *U.S. EPA*, the *Air Resources Board*, and any *affected state*. Additionally, the *District* shall provide to the *U.S. EPA* (and, upon request, to the *Air Resources Board* or any *affected state*) copies of the proposed permit, the *District* analysis, and all necessary supporting information.
[Reference: 40 CFR 70.7(a)(1)(iii and v) and (5)]

(e) Availability of Documents
The *Air Pollution Control Officer* shall make available for public inspection during normal business hours copies of the following documents:
(1) The complete application;
(2) The *District* analysis;
(3) The proposed permit;
(4) All submitted written comments which are postmarked by the close of the public notice and comment period of subsection (f) and the District's written response to persons or agencies that submitted such comments.
[Reference: 40 CFR 70.(h)(2)]

(f) Opportunity for Comment and Public Hearing
(1) The District shall receive written comments regarding the proposed decision for 30 days from the date of publication of Public Notice pursuant to subsection (b).
(2) At any time during the public comment period, members of the public may request a public hearing. The *Air Pollution Control Officer* shall provide notice of any public hearing scheduled to address the proposed decision at least 30 days prior to such hearing.
[Reference: 40 CFR 70.7(h)(2)]

Section 12.545: **Changes to the Proposed Decision** Changes to the proposed decision shall be governed by the following procedure:

(a) The *Air Pollution Control Officer* may modify or change the proposed decision, the proposed permit, or the *District* analysis on the basis of information set forth in the comments received during the public comment period provided pursuant to Section 12.540 (f)(1), or due to further analysis of the *Air Pollution Control Officer*. Pursuant to Section 12.540(d), the Air Pollution Control Officer shall forward any such modified proposed decision, the proposed permit, any changes or additions to the *District* analysis, and all necessary supporting information to the *U.S. EPA*.
[Reference: 40 CFR 70.7(g)(5) and 70.8(b)(2)]

(b) If the *U.S. EPA* objects in writing to the proposed decision within 45 days of being notified of the proposed decision and receiving a copy of the proposed permit and all necessary supporting information pursuant to Section

12.540(d), the *Air Pollution Control Officer* shall not issue the permit. The *Air Pollution Control Officer* shall either deny the application or revise and resubmit a permit which addresses the deficiencies identified in the *U.S. EPA* objection within the following time frames:

(1) For *initial permits*, permit renewals, and *significant permit modifications*, within 90 days of receiving the *U.S. EPA* objection; or

(2) For *minor permit modifications*, within 90 days of receipt of the application or 60 days of the notice to *U.S. EPA*, whichever is later.

[Reference: 40 CFR 70.7(e)(2)(iv) and 70.8(c)]

(c) The District shall provide notification to EPA and Affected States in writing of any refusal by the District to accept all recommendations for the proposed permit that the affected state submitted during the public/affected state review period.

[Reference 40 CFR 70.8(b)(2)]

Section 12.550: **Permit Issuance or Denial**

(a) If the *U.S. EPA* does not object in writing within 45 days of the notice provided pursuant to Section 1240(d), or the *Air Pollution Control Officer* submits a revised permit pursuant to Section 12.545, the *Air Pollution Control Officer* shall expeditiously issue the final permit to operate or deny the application. In any case, the *Air Pollution Control Officer* shall take final action on an application within the applicable time frame specified in Section 12.520. Failure of the *Air Pollution Control Officer* to act on a permit application or permit renewal application in accordance to the time frames provided in Section 12.520, shall constitute final action for purposes of obtaining judicial review to require that action on the application be taken expeditiously. [Reference: 40 CFR 70.(b)(xi), 70.7(a)(1)(v) and (a)(2), and 70.8(c)]

(b) Should the *EPA* be petitioned by the public within 60 days after the end of the *U.S. EPA's* 45-day review period [Reference 40 CFR 70.8(d)], and the permit has not yet been issued, the *Air Pollution Control Officer* shall not issue the permit until the *U.S. EPA* objections in response to the petition are resolved. [Reference 40 CFR 70.8(d)]

(c) The *Air Pollution Control Officer* shall send written notification of the final issuance or denial of a permit to the *responsible official* of the source, the *U.S. EPA*, the *Air Resources Board* and any person or affected state that submitted comments during the public comment period. The *Air Pollution Control Officer* shall submit a copy of a permit to operate, as issued, to the *U.S. EPA* and provide a copy to any person or agency requesting a copy. If the application is denied, the *Air Pollution Control Officer* shall provide reasons for the denial in writing to the *responsible official* along with the *District* analysis and cite the specific statute, rule, or regulation upon which the denial is based.

[Reference: 40 CFR 70.8(a)(1)]

Section 12.560: ***District* Action on Written Requests** The *Air Pollution Control Officer* shall act on a written request of a *responsible official* for permit action using the applicable procedure specified in this Rule.

(a) Administrative Permit Amendment

The *Air Pollution Control Officer* shall take final action no later than 60 days after receiving the written request for an *administrative permit amendment*.

(1) After designating the permit revisions as an *administrative permit amendment*, the *Air Pollution Control Officer* may revise the permit without providing notice to the public or any *affected state*.

(2) The *Air Pollution Control Officer* shall provide a copy of the revised permit to the *responsible official* and the *U.S. EPA*.

(3) While the *Air Pollution Control Officer* need not make a completeness determination on a written request, the *Air Pollution Control Officer* shall notify the *responsible official* if the *Air Pollution Control Officer* determines that the permit can not be revised as an *administrative permit amendment*.

[Reference: 40 CFR 70.7(d)(3)]

(b) Permit Modification for a Condition that is not Federally Enforceable

The *Air Pollution Control Officer* shall take action on a written request for a *permit modification* for a condition that is not federally enforceable in accordance with the requirements of Chapter IV, Article I, under the following circumstances:

(1) Any change at the *stationary source* allowed by the *permit modification* shall meet all *applicable federal requirements* and shall not violate any existing permit term or condition; and

(2) The *Air Pollution Control Officer* provides to the *U.S. EPA* a contemporaneous written notice describing the change, including the date, any change in emissions or air pollutants emitted, and any applicable federal requirement that would apply as a result of the change.

[Reference: 40 CFR 70.4(b)(14), 70.6(b)]

(c) Permits to Operate for New Emissions Unit

The *Air Pollution Control Officer* shall take action on a written request for a permit to operate for a new *emissions unit* in accordance with the requirements of Chapter IV, Article II, under the circumstances specified in Section 12.560(b). However, if Section 12.425(c) applies, the *Air Pollution Control Officer* shall require the submittal of a standard *District* application and take action on that application pursuant to the requirements of these Rules and Regulations.

Section 12.570: **Permit Reopening for Cause**

(a) The *Air Pollution Control Officer* shall reopen and revise a permit to operate during the annual review period required by *Health and Safety Code* Section 42301(c), or petition the *District* hearing board to do so pursuant to *Health and Safety Code* Section 42307, whichever is applicable, prior to its expiration date upon discovery of cause for reopening or upon notification of cause for reopening by the *U.S. EPA*, or within 18 months of promulgation of a new *applicable federal requirement*. The *Air Pollution Control Officer* shall act only on those parts of the permit for which cause to reopen exists.
[Reference: 40 CFR 70.7(f)(2)]

(b) Circumstances that are cause for reopening and revision of a permit include, but are not limited to, the following:
(1) The need to correct a material mistake or inaccurate statement;
(2) The need to revise or revoke a permit to operate to assure compliance with *applicable federal requirements*;
(3) The need to incorporate any new, revised, or additional *applicable federal requirements*, if the remaining authorized life of the permit is 3 years or greater, no later than 18 months after the promulgation of such requirement (where less than 3 years remain in the authorized life of the permit, the *Air Pollution Control Officer* shall incorporate these requirements into the permit to operate upon renewal); or
(4) The need to reopen a permit issued to *acid rain unit* subject to Phase II of Title IV of the *Clean Air Act* to include:
(A) Oxides of nitrogen requirements prior to January 1, 1999, and
(B) Additional requirements promulgated pursuant to Title IV as they become applicable to any *acid rain unit* governed by the permit.
[Reference: 40 CFR 70.7(f)(1)]

(c) In processing a permit reopening, the *Air Pollution Control Officer* shall use the same procedures as for an initial permit and shall additionally:
(1) Provide written notice to a *responsible official* and the *U.S. EPA* at least 30 days, or a shorter period in the case of an *emergency*, prior to reopening a permit; and
(2) Complete action to revise the permit as specified in the notice of reopening within 60 days after the written notice to the *U.S. EPA* pursuant to Section 12.540(d), if the *U.S. EPA* does not object, or after the *Air Pollution Control Officer* has responded to *U.S. EPA* objection pursuant to Section 12.545(b).
[Reference: 40 CFR 70.7(f)(2), (f)(3) and (g)(5)(i)]

Section 12.580: **Operational Flexibility** The *Air Pollution Control Officer* shall allow specified changes in operations at a source without requiring a permit revision for conditions that address an *applicable federal requirement*. The *Air Pollution Control Officer* shall not allow changes which constitute a modification under Title I of the *Clean Air Act* or, Chapter IV, Article I or II, or that result in an

exceedance of the emissions allowable under the facility's permit, whether expressed therein as a rate of emissions or in terms of total emissions without revision to the permit. The source may gain operational flexibility through use of the following options:
[Reference: 40 CFR 70.4(b)(12) and (d)(3)(viii)]

(a) Alternative Operating Scenarios
The *Air Pollution Control Officer* shall allow the use of alternative operating scenarios provided that:
(1) Terms and conditions applicable to each operating scenario are identified by the *responsible official* in the permit application; and.
(2) The terms and conditions are approved by the *Air Pollution Control Officer*; and
(3) The terms and conditions are incorporated into the permit; and
(4) The terms and conditions are in compliance with all applicable *District*, state, and federal requirements.
(5) Notification by the source of all operational flexibility changes shall be made in writing to the EPA and the District at least 30 days prior to the change.
[Reference 40 CFR 70.4(b)(12)]
A permit condition shall require a contemporaneous log to record each change made from one operating scenario to another.
[Reference: 40 CFR 70.6(a)(9)]

(b) Voluntary Emissions Caps
The *Air Pollution Control Officer* shall issue a permit that contains terms and conditions that allow for trading of emissions increases and decreases within the *stationary source* solely for the purpose of complying with a *voluntary emissions cap* established in the permit independent of otherwise *applicable federal requirements* provided that:
(1) The requirements of subsections (a)(1), (a)(3) and (a)(4), above, are met;
(2) The terms and conditions are approved by the *Air Pollution Control Officer* as quantifiable and enforceable; and
(3) The terms and conditions are consistent with the applicable *preconstruction permit*.
A permit condition shall require that a *responsible official* provide written notice to the *Air Pollution Control Officer* 30 days in advance of a change by clearly requesting operational flexibility under this Rule. The written notice shall describe the change, identify the *emissions unit* which will be affected, the date on which the change will occur and the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and any new emissions of any air pollutant not emitted before the change, whether regulated or not.
[Reference: 40 CFR 70.4(b)(12)(iii) and 70.6(a), (a)(10) and (c)]

(c) Contravening an Express Permit Condition

The *Air Pollution Control Officer* shall allow for changes in operation that contravene an express condition addressing an *applicable federal requirement* in a permit to operate provided that the following conditions are met:

(1) The change will not violate any *applicable federal requirement*;

(2) The change will not contravene *federally-enforceable conditions* that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements;

(3) The change is not a modification under Title I of the *Clean Air Act* or any implementing provision of Chapter IV of these Rules and Regulations;

(4) The change does not result in exceeding the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions;

(5) Written notice is given to the *Air Pollution Control Officer* 30 days in advance of a change, and the notice clearly indicates which term or condition will be contravened, requests operational flexibility under this subsection, describes the change, identifies the *emissions units* which will be affected, the date on which the change will occur, the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and any new emissions of any air pollutant not emitted before the change, whether regulated or not; and

(6) The *Air Pollution Control Officer* has not provided a written denial to the *responsible official* within 30 days of receipt of the request for an operational change. A written denial shall identify which of the requirements of subsections (1) through (5) above have not been satisfied.

[Reference: 40 CFR 70.4(b)(12)]

CHAPTER XII
ARTICLE VI PERMIT CONTENT

[Reference: 40 CFR 70.6]

Section 12.600: **Applicable Federal Requirements** A permit to operate issued pursuant to Chapter XII shall contain permit conditions that will assure compliance with all *applicable federal requirements*. A permit to operate shall incorporate all *applicable federal requirements* as permit conditions. The following procedure shall be used to incorporate an *applicable federal requirement* as a permit condition:

(a) A permit condition that addresses an *applicable federal requirement* shall be specifically identified in the permit, or otherwise distinguished from any requirement that is not federally enforceable by the US EPA;

(b) Where an *applicable federal requirement* and a similar requirement that is not federally enforceable apply to the same *emissions unit*, both shall be

incorporated as permit conditions, provided that they are not mutually exclusive; and

(c) Where an *applicable federal requirement* and a similar requirement that is not federally enforceable apply to the same *emissions unit* and are mutually exclusive (e.g., require different air pollution control technology), the requirement specified in the *preconstruction permit* (or, in the case of sources without preconstruction permits, the more stringent requirement) shall be incorporated as a permit condition and the other requirement shall be referenced.

[Reference: 40 CFR 70.3(c)(1) and 70.6(a)(1) and(b)]

Section 12.610: **General Requirements for Permit Content** A permit to operate issued pursuant to Chapter XII shall contain conditions or terms consistent with 40 *CFR* Part 70.6, Permit Content, including:

(a) Equipment Identification

The permit shall identify the equipment to which a permit condition applies.

(b) Emission and Operational Limitations

The permit shall contain conditions that require compliance with all *applicable federal requirements*, including any operational limitations or requirements.

[Reference: 40 CFR 70.6(a)(1)]

(c) Preconstruction Permit Requirements

The permit shall include all of the *preconstruction permit* conditions for each *emissions unit*. The permit shall clearly identify those permit conditions which are *federally enforceable* and those which are not.

(d) Origin and Authority for Permit Conditions

The permit shall identify the origin and authority for each permit term or condition.

[Reference: 40 CFR 70.6(a)(1)(i)]

(e) Right of Entry

The permit shall require that the source allow the entry of the *District*, *ARB*, or *U.S. EPA* officials for the purpose of inspection and sampling, including:

(1) Inspection of the *stationary source*, including equipment, work practices, operations, and emission-related activity;

(2) Inspection and duplication of records required by the permit to operate; and

(3) Source sampling or other monitoring activities.

[Reference: 40 CFR 70.6(c)(2)]

(f) *Determination of Compliance*

The permit shall specify the monitoring methods or other methods (e.g. air quality modeling) approved by the *Air Pollution Control Officer*, that will be used to demonstrate compliance with each applicable *District*, state and federal requirement. For portable sources, this must be done for each site at which the source will be permitted to operate.

(g) Compliance with Permit Conditions
The permit shall include the following provisions regarding compliance:
(1) The permittee shall comply with all permit conditions;
(2) The permit does not convey property rights or exclusive privilege of any sort;
(3) Violation of any permit condition is grounds for enforcement action by the District, including monetary civil penalties, permit termination, revocation and re-issuance of the permit, permit modification, or denial of permit renewal;
(4) The "need to halt or reduce a permitted activity in order to maintain compliance" shall not constitute a defense for non-compliance with any permit condition;
(5) A pending permit action or notification of anticipated non-compliance does not stay any permit condition; and
(6) Within a reasonable time period, the permittee shall furnish any information requested by the *Air Pollution Control Officer*, in writing, for the purpose of determining compliance with the permit, whether or not cause exists for a permit action or enforcement.
[Reference: 40 CFR 70.6(a)(6)]

(h) Severability
The permit shall include a severability clause to ensure the continued validity of otherwise unaffected permit requirements in the event of a challenge to any portion of the permit.
[Reference: 40 CFR 70.6(b)(5)]

Section 12.615: **Recordkeeping:** A permit issued pursuant to Chapter XII shall include conditions that require a *responsible official* to maintain and retain records in accordance with Section 12.455. The permit shall state such requirements explicitly, and not by reference.
[Reference: 40 CFR 70.6(a)(3)(ii)]

Section 12.620: **Monitoring, Testing, and Analysis** A permit issued pursuant to Chapter XII shall contain conditions that require monitoring, analytical, compliance certification, test methods, equipment management, and statistical procedures consistent with any *applicable federal requirement*, including those pursuant to sections 114(a)(3) and 504(b) of the *Clean Air Act,* and 40 *CFR* Part 64. The permit shall require periodic monitoring sufficient to yield reliable data which are representative of the source's compliance with permit conditions over the

relevant time period. The permit shall state such requirements explicitly, and not by reference.
[Reference: 40 CFR 70.6(a)(3)(i)]

Section 12.625: **Reporting** The permit shall include reporting conditions that require a *responsible official* to report in accordance with the requirements of Section 12.460. The permit shall state such requirements explicitly, and not by reference. The permit shall contain a condition or conditions specifying what constitutes "prompt" reporting of deviations from a permit requirement. [Reference: 40 CFR 70.6(a)(3)(iii)] All reports and other documents required by the permit must be certified by a *responsible official* [Reference 40 CFR 70.6(c)(1)], and include the full text of the responsible official's certification.
[Reference 40 CFR 70.5(d)]

Section 12.630: **Compliance Plan** A permit issued pursuant to Chapter XII shall include a compliance plan that does the following:

(a) Describes the compliance status of each *emissions unit* with respect to each *applicable federal requirement*;

(b) Describes how compliance will be achieved if an *emissions unit* is not in compliance with an *applicable federal requirement* at the time of permit issuance;

(c) Assures that an *emissions unit* will continue to comply with those permit conditions with which it is in compliance; and

(d) Assures that an *emissions unit* will comply with, on a timely basis any *applicable federal requirement* that will become effective during the permit term.
[Reference: 40 CFR 70.6(c)]

Section 12.635: **Compliance Schedule** A permit issued pursuant to Chapter XII shall include a compliance schedule for any emissions unit which is not in compliance with current *applicable federal requirements*. Any compliance schedule for a source not in compliance must resemble and be at least as stringent as that contained in any judicial consent decree, administrative order, or schedule approved by the hearing board to which the source is subject. [Reference 40 CFR 70.6(c)(3), 70.5(c)(8)(iii)(c)] The compliance schedule shall include the following requirements:

(a) A statement that the *emissions unit* will continue to comply with those permit conditions with which it is in compliance;

(b) A statement that the *emissions unit* will comply, on a timely basis with any *applicable federal requirement* that will become effective during the permit term;

(c) For each condition with which the *emissions unit* is not in compliance which addresses an *applicable federal requirement*, a schedule of compliance which lists all preventative or corrective activities, and the dates when these activities will be accomplished; and

(d) For each *emissions unit* that is not in compliance with an *applicable federal requirement*, a schedule of progress report submitted no less frequently than semi-annually which include: 1) the date when compliance will be achieved, 2) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and 3) a log of any preventative or corrective actions taken. [Reference: 40 CFR 70.5(c)(8) and 70.6(c)(3)]

Section 12.640: **Emergency Provisions** A permit issued pursuant to Chapter XII shall include a condition requiring compliance with the provisions of Section 12.450. The permit shall state that in any enforcement proceeding, the permittee has the burden of proof to establish that an *emergency* occurred.
[Reference: 40 CFR 70.6(g)]

Section 12.645: **Portable Sources** The permit for any portable source, which may operate at two or more locations, shall contain conditions that require the portable source to meet the requirements of Section 12.440.
[Reference 40 CFR 70.6(e)]

Section 12.650: **Compliance Certification** Each permit shall contain conditions for compliance certification which include the following requirements:

(a) The *responsible official* shall submit a compliance certification to the *U.S. EPA* and the *Air Pollution Control Officer* every 12 months or more frequently as required in an applicable requirement or by the *District*. All compliance reports or other documents required to be submitted to the *District* by the *responsible official* shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
[Reference 40 CFR70.6(c)(5)(I)]

(b) The compliance certification shall identify the basis for each permit term or condition (e.g., specify the emissions limitation, standard, or work practice) and a means of monitoring compliance with the term or condition;

(c) The compliance certification shall include the compliance status and method(s) used to determine compliance for the current time period and over the entire reporting period; and

(d) The compliance certification shall include any additional inspection, monitoring, or entry requirement that may be promulgated pursuant to sections 114(a) and 504(b) of the *Clean Air Act*.

[Reference: 40 CFR 70.6(b)(5)]

Section 12.660: **Permit Life** With the exception of *acid rain units* subject to Title IV of the *Clean Air Act* and *solid waste incinerators* subject to section 129(e) of the *Clean Air Act*, each permit issued pursuant to Chapter XII to operate for any source shall include a condition for a fixed term not to exceed five years from the time of issuance. A permit to operate for an *acid rain unit* shall have a fixed permit term of five years. A permit to operate for a *solid waste incinerator* shall have a permit term of 12 years; however, the permit shall be reviewed at least every five years.

[Reference: 40 CFR 70.6(a)(2)]

Section 12.670: **Payment of Fees** A permit issued pursuant to Chapter XII shall include a condition to ensure that appropriate permit fees are paid on schedule. If fees are not paid on schedule, the permit is forfeited. Operation without a permit subjects the source to potential enforcement action by the *District* and the *U.S. EPA* pursuant to section 502(a) of the *Clean Air Act*.

[Reference: 40 CFR 70.6(a)(7)]

Section 12.675: **Alternative Operating Scenarios** Where a *responsible official* requests that an alternative operating scenario be included in the permit for an *emissions unit*, a permit issued pursuant to Chapter XII shall contain specific conditions for each operating scenario, including each alternative operating scenario. Each operating scenario, including each alternative operating scenario, identified in the permit must meet all *applicable federal requirements* and all of the requirements of this section. Furthermore, the source is required to maintain a contemporaneous log to record each change from one operating scenario to another.

[Reference: 40 CFR 70.6(a)(9)]

Section 12.680: **Voluntary Emissions Caps** The permit for each such *emissions unit* at a *stationary source* which is operating under a *voluntary emissions cap* shall include *federally-enforceable conditions* requiring that:

(a) The *stationary source* and each *emissions unit* must comply with all *applicable federal requirements*, including those authorizing emissions averaging;

(b) Emissions from any individual *emissions unit* shall not exceed any emissions limitation, standard, or other requirement;

(c) Any emissions limitation, standard, or other requirement shall be enforced through continuous emission monitoring, where applicable; and

(d) All affected *emissions units* under a *voluntary emissions cap* shall be considered to be operating in violation of the permit, if the *voluntary emissions cap* is exceeded.

[Reference: 40 CFR 70.6(a)(10)]

Section 12.690: **Acid Rain Units Subject to Title IV**

The permit for an *acid rain unit* shall include conditions that require compliance with any federal standard or requirement promulgated pursuant to Title IV (Acid Deposition Control) of the *Clean Air Act* and any federal standard or requirement promulgated pursuant to Title V of the *Clean Air Act*, except as modified by Title IV. *Acid rain unit* permit conditions shall include the requirements of 40 *CFR* Part 72.9 and the following provisions:

(a) The sulfur dioxide emissions from an *acid rain unit* shall not exceed the annual emissions allowances (up to one ton per year of sulfur dioxide may be emitted for each emission allowance allotted) that the source lawfully holds for that unit under Title IV of the *Clean Air Act* or the regulations promulgated pursuant to Title IV;

(b) Any increase in an *acid rain unit's* sulfur dioxide emissions authorized by allowances acquired pursuant to Title IV of the *Clean Air Act* shall not require a revision of the acid rain portion of the operating permit provided such increases do not require permit revision under any other *applicable federal requirement*;

(c) Although there is no limit on the number of sulfur dioxide emissions allowances held by a source, a source with an *acid rain unit* shall not use these emissions allowances as a defense for noncompliance with any *applicable federal requirement* or *District* requirement, including Chapter IV, Article I or II; and

(d) An *acid rain unit*'s sulfur dioxide allowances shall be accounted for according to the procedures established in regulations promulgated pursuant to Title IV of the *Clean Air Act*.

[Reference: 40 CFR 70.6(a)(4)]

CHAPTER XII
ARTICLE VII PERMIT FEES

Section 12.700: **Annual Permit Fees** Each facility subject to Title V shall pay an annual fee as required in Chapter IV, Article VI, including any supplemental fee pursuant to Chapter IV, Article VI, Section 660 if applicable.

CHAPTER XII
ARTICLE VIII DESIGNATED NON-MAJOR STATIONARY SOURCE

Section 12.800: ***Designated Non-Major Stationary Source* Requirements** Any *major source* which proposes to a ccept and comply with source-wide *federally enforceable permit* conditions such that the source becomes a *Designated Non-Major Stationary Source*, and is not otherwise subject to *major source* review or Chapter XII, may apply for a *Designated Non-Major Stationary Source Operating Permit* consistent with the procedures of Chapter IV and further required in this Chapter XII, Article VIII.

Section 12.810: **Application for a *Designated Non-Major Stationary Source Operating Permit*:** A source which proposes to accept *federally enforceable permit* conditions to limit it's *potential to emit* to below any applicable thresholds for a *major source*, and is not otherwise required to obtain or continue a *major source* operating permit under Chapter XII of these Rules and Regulations, may apply for a *Designated Non-Major Stationary Source Operating Permit* in accordance with the procedural requirements of Chapter IV, Articles I-II for an authority to construct and permit to operate, and the noticing and procedural requirements of Chapter IV, Section 605 and as further required in Chapter XII, Article VIII.

An application for a *Designated Non-Major Stationary Source Operating Permit* shall contain the following in addition to any requirement and criteria of Chapter IV: (1) Identification and description of all existing emission units at the source, including sources that are exempt from permits; (2) A calculation of annual and daily maximum emissions of air pollutants from all *emission units* at the *source* for all operating scenarios to be permitted at the source, including all *fugitive emissions*; (3) Proposed *federally enforceable permit* conditions to limit source wide emissions to below the thresholds for a *major source*; and (4) Proposed *federally enforceable permit* conditions imposing record keeping and reporting requirements sufficient to determine compliance.

The APCO shall determine if the application is complete within 30 days, unless a longer time is agreed upon by the applicant. The application shall be considered incomplete unless sufficient information is contained in the application to accurately assess and fulfill the requirements of this Section 12.810 and Section 12.830.

Section 12.820: **Timely Application for a *Designated Non-Major Stationary Source Operating Permit*:** An application for a *Designated Non-Major Stationary Source Operating Permit*, or *permit modification*, shall be submitted in a timely manner as described below:

(a) An existing *major source* which elects to apply for a *Designated Non-Major Stationary Source Operating Permit* in order to avoid a requirement to obtain a *major source* permit as specified in Chapter XII, shall apply for and receive a *Designated Non-Major Stationary Source Operating Permit* prior to the date by which it would have to apply for a *major source* permit pursuant to Chapter XII.

(b) For a modification to a *Designated Non-Major Stationary Source Operating Permit* which will not increase the *potential to emit* above those of a *major source*, an application shall be received by the *District* in accordance with the requirements of Chapter IV.

(c) For a physical or *operation* change to a *Designated Non-Major Stationary Source* which would increase the source's *potential to emit* to that of a *major source*, the source must undergo proper pre-construction review and apply for and receive a major source review permit prior to commencing the change to include the applicable requirements of Chapter IV and Chapter XII.

(d) Notwithstanding Section 12.820, (a), for an existing *major source* with actual emissions greater than those described in Section 12.200, (m1), and which seeks to become a *Designated Non-Major Stationary Source*, an application for a *Designated Non-Major Stationary Source Operating Permit* shall be received by the *District* no later than nine months from the date Chapter XII is adopted by the *District Board*.

Section 12.830: **Procedure and Content for Issuance or Denial of a Designated *Non-Major Stationary Source Operating Permit*:** The APCO shall take action on the application for a *Designated Non-Major Stationary Source Operating Permit* consistent with Chapter IV and as follows:

(a) Public notice: The APCO shall publish a notice, after the application is determined to be complete, in a major newspaper in the area where the facility is located, providing at least 30 days for public comment, state that permit conditions for the facility will be modified to provide a facility wide emission limit in accordance with Chapter XII, Article VIII, to designate the source a *Designated Non-Major Stationary Source* exempting the source from major source review requirements and shall include information as to how the public may obtain copies of the permit conditions associated with the limit, any information regarding the modification submitted by the owner or operator of the facility, the APCO's analysis of this information, and of the effect, if any, of the modification on air quality.

(b) The APCO shall provide to EPA a copy of each proposed and final *Designated Non-Major Stationary Source Operating Permit*, and EPA shall be provided a 30 day review period.

(c) The *Designated Non-Major Stationary Source Operating Permit* shall include: (1) *Federally enforceable permit* conditions limiting the source's *potential to emit* to below the thresholds for a *major source*; which are permanent, quantifiable and practically enforceable permit conditions, and to include production or processing limits; (2) *Federally enforceable permit* conditions requiring monitoring, record keeping, and reporting sufficient to

determine compliance with the limitations as set forth in the permit which avoid the designation as a *major source*; and (3) A statement in the permit that the source is a *Designated Non-Major Stationary Source* specifically because of limitations contained in the permit.

(d) Final Action: The APCO shall take final action on a *Designated Non-Major Stationary Source Operating Permit* application after considering all comments received in a timely manner, but within 180 days following the acceptance of the application as complete. The APCO shall deny the application for a *Designated Non-Major Stationary Source Operating Permit* if the APCO determines the source is not capable of complying with any requirement contained in Chapter XII, Article VIII.

Section 12.840: **Non-compliance, *Designated Non-Major Stationary Source*:** Any source subject to the requirements of the portions of Chapter XII that is not in compliance with any permit condition set forth in a *Designated Non-Major Stationary Source Operating Permit*, is in violation of the *Clean Air Act* and *District* Rules and Regulations and may be subject to enforcement action, permit termination, permit revocation and reissuance, and/or denial of a permit renewal. Any source which files false information with the *District* to obtain such designation is in violation of the *Clean Air Act* and *District* Regulations and is subject to enforcement action.

Section 12.850: **Loss of Status as a *Designated Non-Major Stationary Source*:** A source shall not be considered a *Designated Non-Major Stationary Source* under any of the following occurrences:

(a) A *Stationary Source* has actual emissions exceeding any applicable threshold for a *major source* as specified in this Chapter XII;

(b) The *Stationary Source* installs or changes equipment, or institutes a change of operation, resulting in a *potential to emit* exceeding any threshold for a *major source* as specified in this Chapter XII without first obtaining a *permit modification* pursuant to Section 12.820 limiting such emissions below any threshold for a *major source*; and

(c) Fails to establish compliance as required in Section 12.830, (c), (2).

If for any reason the *Stationary Source* plans a physical or *operation* change which would increase its *potential to emit* such that it would exceed any applicable threshold for a *major source*, the *Stationary Source* shall immediately become subject to *major source* review and shall apply for a *major source* review and permit in accordance with the requirements of these rules and regulations to include Chapter XII, and all applicable state and federal laws.

AMBIENT AIR QUALITY STANDARDS

Pollutant	Averaging Time	California Standards[1]		Federal Standards[2]		
		Concentration[3]	Method[4]	Primary[3,5]	Secondary[3,6]	Method[7]
Ozone (O_3)	1 Hour	0.09 ppm (180 mg/m_3)	Ultraviolet Photometry	0.12 ppm (235 mg/m_3)	Same as Primary Standard	Ethylene Chemilumin-escence
	8 Hour	—		0.08 ppm (157 mg/m_3)		
Respirable Particulate Matter (PM_{10})	Annual Geometric Mean	30 mg/m_3	Size Selective Inlet Sampler ARB Method P (8/22/85)	—	Same as Primary Standard	Inertial Separation and Gravimetic Analysis
	24 Hour	50 mg/m_3		150 mg/m_3		
	Annual Arithmetic Mean	—		50 mg/m_3		
Fine Particulate Matter ($PM_{2.5}$)	24 Hour	No Separate State Standard		65 mg/m_3	Same as Primary Standard	Inertial Separation and Gravimetic Analysis
	Annual Arithmetic Mean			15 mg/m_3		
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10mg/m_3)	Non-dispersive Infrared Photometry (NDIR)	9ppm (10mg/m_3)	None	Non-dispersive Infrared Photometry (NDIR)
	1 Hour	20 ppm (23 mg/m_3)		35 ppm (40 mg/m_3)		
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m_3)		—		
Nitrogen Dioxide (NO_2)	Annual Arithmetic Mean	—	Gas Phase Chemilumin-escence	0.053 ppm (100 mg/m_3)	Same as Primary Standard	Gas Phase Chemilumin-escence
	1 Hour	0.25ppm (470mg/m_3)		—		
Lead	30 day average	1.5 mg/m_3	AIHL Method 54 (12/74) Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption
	Calendar Quarter	—		1.5 mg/m_3	Same as Primary Standard	
Sulfur Dioxide (SO_2)	Annual Arithmetic Mean	—	Fluorescence	0.030 ppm (80 mg/m_3)	—	Pararosoaniline
	24 Hour	0.04 ppm (105 mg/m_3)		0.14 ppm (365 mg/m_3)	0.5 ppm (1300 mg/m_3)	
	3 Hour	—		—	—	
	1 Hour	0.25 ppm (655mg/m_3)		—		
Visibility Reducing Particles	8 Hour (10am to 6pm, PST)	Insufficient amount to produce an extinction coefficient of 0.23 per kilometer-visibility of ten miles or more (0.07-30 miles or more for Lake Tahoe) due to particles when the relative humidity is less than 70 percent. Method: ARB Method V (8/18/89).		No Federal Standards		
Sulfates	24 Hour	25 mg/m^3	Turbidimetric Barium Sulfate-AIHL Method 61 (2/76)			
Hydrogen Sulfide	1 Hour	0.03 ppm (42mg/m^3)	Cadmium Hydroxide STRactan			

NOTES ON TABLE 11

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter—PM 10 , and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations. In addition, Section 70200.5 lists vinyl chloride (chloroethene) under "Ambient Air Quality Standards for Hazardous Substances." In 1978, the California Air Resources Board (ARB) adopted the vinyl chloride standard of 0.010 ppm (26 mg/m 3) averaged over a 24-hour period and measured by gas chromatography. The standard notes that vinyl chloride is a "known human and animal carcinogen" and that "low-level effects are undefined, but are potentially serious. Level is not a threshold level and does not necessarily protect against harm. Level specified is lowest level at which violation can be reliably detected by the method specified. Ambient concentrations at or above the standard constitute an endangerment to the health of the public." In 1990, the ARB identified vinyl chloride as a Toxic Air Contaminant and determined that there was not sufficient available scientific evidence to support the identification of a threshold exposure level. This action allows the implementation of health-protective control measures at levels below the 0.010 ppm ambient concentration specified in the 1978 standard.

2. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when 99 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. For PM 2.5 , the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact U.S. EPA for further clarification and current federal policies.

3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 mm of mercury. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 mm of mercury (1,013.2 millibar); ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

4. Any equivalent procedure which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.

5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

7. Reference method as described by the EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the EPA.

8. New federal 8-hour ozone and fine particulate matter standards were promulgated by U.S. EPA on July 18,1997. The federal 1-hour ozone standard continues to apply in area that violated the standard. Contact U.S. EPA for further clarification and current federal policies.

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